









# THE CALCUTTA MONTHLY JOURNAL.

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# INTRODUCTORY ADDRESS

• DELIVERED AT THE OPENING

OF THE

## CALCUTTA MEDICAL COLLEGE,

MARCH 17, 1836,

BY

M. J. BRAMLEY, ESQ., PRINCIPAL OF THE COLLEGE.

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MY LORD, AND GENTLEMEN,—I cannot look around me on this occasion in the presence of so large and respectable an audience, without feeling that I have a task to perform to which I am unequal. I would fain express the mingled emotions of diffidence and exultation with which I reflect upon my present position—upon what has already been done—and upon what, if life and health be spared me, I yet hope to see accomplished. But to express exactly what I feel, would baffle my past endeavours even were I blest with a command of language to which I make no pretension.

I am fortunately, however, saved from the necessity of exciting in other breasts an interest in the cause in which I am embarked, by a minute explanation of my own feelings, because they are not peculiar or unshared, for the object now in view is not a private or personal, but a public one. Even those who are not directly concerned in this institution for the instruction of our native fellow subjects in a most useful and important department of the knowledge of the West, will look with nearly the same emotion on these newly erected walls, when they consider the noble purpose for which they are designed. When, therefore, I congratulate myself upon the completion of this building, and behold so many native students on those benches which I trust will be soon and long familiar to a still greater number of their youthful fellow countrymen, the consciousness that the exultation which I am unable to express is shared and understood by those around me, lessens my embarrassment, and makes me feel more easy and confident than I should have done had my cause been a private one and my enthusiasm unparticipated.

In the very nature of things, an introductory lecture like this cannot enter into details. All that it should or can do, is to touch lightly on the borders of matters possessed of a general and comprehensive interest. Even to do to these full justice requires more time than can, on such an occasion, be conveniently commanded.

It appears to me that the great importance of the healing art, naturally, first suggests itself to the mind.

Where, in the whole round of human pursuits, is there a nobler one than that which within its comprehensive circle embraces the alleviation of suffering, the cure of disease,

and the prolonging of life? The good practitioner may be regarded as the cheerer of the dejected, the friend of the wretched, and the sublunary hope of the despairing. Is it surprising then that in all ages the individual should be looked up to with respect and admiration, who, through close and attentive observation, and careful study of his profession, restores hope to the bosoms of a weeping and despairing family, rescues some beloved object from the very jaws of death, or where hopes of life can no longer be given, soothes the dying agony, and reconciles the relatives to the event, by showing on pathological grounds how it ought to be hailed as a merciful relief, rather than mourned for as a bereavement?

No wonder, then, that in every part of the world the healing art should, in the legends of mythology and the traditions of poetry, have been represented as of divine origin. You, my young friends, have amongst yourselves, I doubt not, similar legends that connect medicine with the *gods*, and some of you may have heard elsewhere, that the Greeks and Romans viewed it in a similar light. One of the most imaginative and elegant of the Latin poets (Ovid) puts these words in the mouth of Apollo—which passage you will understand better as rendered into English by Dryden.

“Medicine is mine, what herbes and simples grow  
In fields and forests, all their powers I know  
And am the Great Physician call'd below.”

But the origin of our art has a much remoter source of antiquity than can be traced for it in the annals of either Greece or Rome. Our profession, indeed, may be said to be coeval with human suffering, and to have originated from the date of the appearance of disease in the world.

The first approach to a certainty that we have in the history of medicine, refers to Esculapius and his sons. For many generations the descendants of the *God of Physic*: (for such was Esculapius considered) under the title of *Asclepiaiæ*, might be called an hereditary College of Physicians. In many respects these *Asclepiaiæ* resembled your own *Vidyas*. They were, so to speak, the medical caste of Greece.

As respects more particularly the purport of our present inquiry, the interval between the death of Esculapius and the rise of Hippocrates may be considered a blank in medical history. This venerable person, who has justly been called the Father of Physic, was born about 460 years before the Christian era, and acquired a reputation, which, even at the present day, commands our admiration and respect because it was founded on philosophical observation, associated with the highest character for worth, integrity, and disinterestedness. He was the first to produce a great revolution in medicine by altogether detaching it from theology, emancipating it from the trammels of priest-craft and superstition, and elevating it to the dignity of a science. He combated the mischievous doctrine of disease having a celestial origin, and demonstrated that every ailment acknowledged its own natural and obvious cause; and ascribed all the phenomena of life and health to the operations of nature as a fundamental principle.

For the next most complete and masterly compendium of the medical and surgical knowledge of ancient times, we are to look to Celsus, who lived in the first century of the Christian era. There can be no doubt from his writings that he practised human dissection; for his account of the bones, and his description of injuries of the head, are singularly accurate. He also describes certain operations which are practised with very little modification, by surgeons of the present day. Omitting other names, the

mention of which would take up too much of our present time, I pass on to Galen, who lived about 150 years after Celsus. He was a man of great genius and learning, and even now, it can scarcely be denied, that his writings exert a certain influence with the well informed medical inquirer. Having perfected himself in anatomy, he commenced practice in Rome and entered on the delivery of a course of public lectures on anatomy. He never accepted any thing on credit, but searched and ascertained for himself, and throughout his life continued a keen anatomist.

But notwithstanding the high degree of improvement to which our science was brought by these renowned men, its progress towards its present comparative state of perfection was slow. This, in a great measure, is ascribable to the universal disposition to theories. Hence sprung up numerous useless systems and hypothesis, most of which have sunk into well deserved oblivion. Anatomy was impeded in its progress by this disposition and prostration of the mind to the authority of ancient names. Accordingly it was handed down from age to age in the condition that Galen left it, till the illustrious Vesalius arose in the 16th century, who, with his knife in his hand, owned no authority but nature, and appealed from the dogmatism of books to the objects demonstrated in dissection.

We are fortunately placed in such favourable circumstances that much which was hidden from the ancients and our fore-fathers, lies revealed to us. They can communicate nothing to us, that we do not know much better than they did, for they had not the same opportunities of acquiring knowledge. But, nevertheless, my young friends, the example of the ancient fathers of physic, ought to come peculiarly home to *you*, since, like you, they were surrounded by ignorance and superstition, but yet they nobly rose above both. They found medicine encumbered with superstitious observances, tedious frivolities, and mischievous anomalies. From these they boldly discovered it, and it became a majestic science.

In the course of *your* professional studies, however, I would most earnestly impress on you your minds, the fact, that a due and profitable knowledge of this science, or rather circle round of sciences, is not to be acquired by fits and starts—or by listening to lectures—or by poring over books. No! You must reflect for yourselves. You must ask the question of yourselves “what are we expected to accomplish?” Here is the answer. Your great object is to acquire a sufficient stock of knowledge, to make it safe that you should be allowed to practise in the great school of experience; you must retain facts in our remembrance, and examine for yourselves, and deduct general principles of action from them; you must take nothing on mere hearsay and assertion; you must strenuously avail yourselves of the opportunities you now have of laying up treasures of knowledge, since you may not perhaps enjoy such again, and even if you should, you cannot, as life advances, spare the time for the consideration of them. Bear in the mind that ours is not a fixed, but a progressive science. The axiom of yesterday may become the fallacy of the morrow: so, that he who would distinguish himself in the annals of our profession, must be a student to the last. But let not this damp your ardour; Nature, be assured, is inexhaustible in her resources, and in her works and modifications, there is *always* to be found something new and something striking.

I apprehend that you, my young friends, cannot have failed to observe the times in which we live—you cannot but have remarked and shared the excitement of that zeal and eagerness with which knowledge is sought for by the rising generation of your countrymen. I will venture to assert that the whole aspect and temper of Native Society (at least, in Calcutta) is changing; and may we not say it is changing for the best? If



the truth of this is admitted, I say to you, let it be your constant endeavour not to fall back in the race of improvement. Let not the students of this College, now or hereafter, be pointed to, as second to those of the Hindoo College—or any other institution among us. But I have no fears on that head. No; I am confident from what I have witnessed and experienced of your conduct hitherto (and I say it with mingled pride and satisfaction) that you will continue to evince a constant spirit of generous emulation. In becoming students of medicine, always remember, that you have placed yourselves in a situation of great responsibility; but rely on it, your respectability will encrease with the augmentation of your respect for yourselves, and in proportion to your vigorous application to study.

You are already aware that the very basis of all medical knowledge is anatomy. This, upwards of 2000 years ago, Hypocrates taught, and we confirm the saying. To have a thorough knowledge of anatomy the professional man should know every process of a bone, muscle, ligament, artery, vein, tissue, nerve, and viscus, as familiarly as does the sailor every rope, spar, and beam of a ship. To a mind that rests not contented with the confines of the visible around him, but soars to trace up second causes to the great invisible, the single branch of anatomy reveals to us results, which set all approach from human art and ingenuity at defiance. Independent of the utility of this branch, the wonders of organization cannot fail, to afford the highest gratification to the mind. The most splendid exertions of human art fade into insignificance when contrasted with the wonderful fabric of the human frame, where the instruments are not only perfect in their kind, but endowed with a self-acting, self-controuling and self-sustaining power. When we remove layer after layer of this extraordinary structure,—when we develop tissue after tissue;—when we trace canal after canal, and vessel after vessel, and find a mysterious vitality in each and all, down to the hard invisible bones, that are, as it were, the rafters—the very walls of this palace of the soul; the senses and life; of the will and the appetites. When we trace the growth of the most solid of them even to a period when they were but central points of animal jelly, and follow their progress till they are formed and fashioned into maturity;—when we see system within system, and organ within organ, differing from one another, and yet harmoniously sympathizing and working together, all tending to the perfection of one function, say digestion. When we behold all this, well may we exclaim with the great English dramatist,

“What a piece of work is Man!”

In the mere machinery of the human body we find ample demonstration of superhuman wisdom, contrivance and power. We may say with truth that a steam engine is a stupendous product of human ingenuity! What is it, however, compared with the mechanism and agency of the human body? In it we find self-acting, self-controuling, and self-sustaining powers, that falter not, that fail not, for years and years together. Let me ask what movements of wheels—of springs and levers, or any work of art, can equal those of that most astonishing of all hydraulic reservoirs, the heart—which fills and empties itself sixty times a minute for three score years and ten without pausing for a moment! What human contrivance could bear such wear and tear as this? Neither springs of steel, nor plates of brass, nor bolts of adamant, could stand the attrition of such work! In all this too, there is apparently a law, which seems independent of the common laws of nature. Attempts have been made, indeed, to explain organization and life, on mechanical, chemical, and hydraulic principles, but such attempts are ridiculous, for although it be true that we find the proof of a profound combination of such principles in the human structure, yet is there that something, which for want of a better name we call the *vital principle*, which compels and bends all these to its own purposes, until the appointed

period when it must yield, and man is then delivered over to the common forces of nature, and the great chemist DEATH, dissolves him in the laboratory of the grave !

To practise medicine alone, to say nothing of surgery, without a knowledge of anatomy, would be as if a mariner were to attempt to circumnavigate the world without either chart or compass. Would you not think it strange, were my watch to get out of order, if I handed it for the purpose of being mended to a bricklayer? This absurdity, however, you will constantly see analogically exemplified around you, for the love of quackery seems inherent to man everywhere, and many foolishly entrust their lives to the grossest and most ignorant pretenders, who systematically turn away from the regularly educated practitioner.

I shall not dwell on the present occasion, on the routine of professional study, which you will be required to undergo in this College, further than observe, that after having acquired the necessary knowledge of the structure and the uses of each part, and the dependence of each on all, or in other words, the elements of anatomy and physiology; your attention will be directed to *materia medica* and pharmacy, or a knowledge of the remedies to be administered and applied in disease and their mode of preparation. Previous, however, to entering on this branch you must study the independent and relative powers, effects and qualities, of certain things on each other, or the principles and science of chemical combination.

This science offers to our use the noblest, and most mysterious agents by which we are surrounded. By it we are enabled to separate the constituents of compound bodies, and recombine them in new forms; and to acquire such a knowledge of their peculiar properties as to be capable of foretelling the result of their combination in various proportions. In my friend and colleague, Dr. O'Shaughnessy, you will find an able and accomplished guide to this most delightful, and most extensively useful field of enquiry; of the endless varieties and results of which you can, at present scarcely form a notion. You will next, under my own, and my talented friend Dr. Goodeve's instruction, enter upon the study of pathology and the practise of physic, which beginning in the dissecting room can only be completed at the bed-side of the sick.

Even this brief abstract of what remains for us to do, I doubt not, will impress upon you the necessity of each performing his part assiduously and unweariedly. Masters and pupils must each and all bring zeal, energy, patience, and perseverance to our mutual task. You also (*visitors*) as representing that public of which you are a portion, must perform your duty, for the surest incentive to proper exertion in every department always is, that the public take a lively interest in what is doing. And here I would fain address myself most particularly to well-informed, wealthy, and influential members of the native community. I would entreat of them to consider what lamentable consequences arise to thousands of their poor countrymen from the want of proper medical aid altogether, or the irreparable mischiefs to health and life that are yearly, daily, I may say hourly, committed by unprincipled quacks.

But this is not confined to the poor. It affects all classes more or less. It is no exaggeration to say that during the prevalence of epidemic diseases, thousands are swept off for want of the proper appliances and means. There is for instance the small-pox; instead of endeavouring to eradicate it entirely, and substituting for it a mild and beneficent antidote, it is kept up by the force of prejudice and ignorance. In many acute diseases, the routine of practice usually followed, is almost sure to end in the disorganization of a part, or the destruction of life; the number of people who lose their eyesight in India

through mismanagement and quackery, is absolutely inconceivable. Look at the filthy and frightful ulcers that we see so frequently in natives, aggravated even to death by inert or injudicious treatment! Look at the ~~past~~ department of surgery, occupied by whom? By ignorant beings who know not a vein from an artery, and who could not secure a comparatively small blood-vessel, however alarming the hemorrhage might be.

I would beg to remind respectable and wealthy natives that in serious illness they have themselves recourse to European skill. I would entreat of them to extend its benefits to their poorer countrymen, and make this skill their own in very deed for ever by now encouraging in every possible way the study of medicine on European principles among the youth of the country, disposed to cultivate it. I would beg of them to patronize as much as lies in their power *this* institution which they owe to the philanthropy of Government. I would beseech of them, each in his circle, to neutralize as much as he may, by precept and example, the force of silly and unfavourable prejudices against the cultivation of a glorious and beneficent science; and I would most earnestly beseech of them, not only to take an interest in the progress and welfare of their young countrymen while students within the walls of this College, but to substantially patronize them when they leave it qualified by a careful course of education to practise their profession.

Finally, I would fain say no less to you, my young friends, than to natives of every denomination; you may believe me when I assert, if ever there was a truly wise and liberal measure adopted, by authority, for your good, it is that which has called into existence amongst you an institution for instructing you in Medical Science.

Far be it in me to disparage whatever may be really useful in your indigenous practise, for I believe that there is no country where the Omnipotent has not mercifully permitted a modicum of medical knowledge to spring up. You have, I believe, more especially in the vegetable kingdom, some valuable articles in your materia medica. I doubt not too, that you may have among you some remarks or observations on medical topography, and meteorology which would be an acquisition to the note book of the European pathologist. You must also, I presume, have had always on the lists of the profession (such as it is) shrewd and intelligent native observers who (however wrong they might be in strict physiological and pathological theory) have noted the phenomena of some diseases judiciously and well, and have been in the habit of treating them with practical skill. On the other hand, there can be no question that your materia medica contains many articles of a fantastic, useless, or destructive character, of which further advance in European Science will point out to you the mischief and the danger.

A celebrated writer has asserted, in substance, that were the British to-morrow to quit India for ever, they would leave behind them no lasting monument of good,—no features of general improvement on the face of the country,—no durable effect of beneficent power. In his day that assertion might have been correct; but I deny its applicability to ours, in which, strange to say, it has been repeated with equal confidence, though by men less eminent.

Can it be maintained, I ask, that if we were now to quit India, we should indeed leave behind us no durable monuments of good Government,—no lasting effects of philanthropic exertion,—no features of general improvement in the country? No! I will venture to say, that were there no other fact to which we could appeal in contradiction of such an unqualified assertion, the Hindoo and Medical Colleges would alone go far to supply an ample refutation of it. You may rely upon it, that, with whatever other faults our tenure of this country may be chargeable, that prosperity will gratefully

acknowledge the noblest of all our acts :—The enfranchisement of native intellect from the darkness of ignorance, and the yoke of superstition which is ever its concomitant.

Even yourselves, my young friends, with the comparatively scanty knowledge which you have had time or opportunity as yet to acquire, will I am sure readily allow that you have derived the liveliest satisfaction from it, and that by its light you view several things very differently to what you previously did. What is the reason that in the uneducated we generally find an extraordinary apathy of character, and a total inaptitude to the higher mental incentives? For the same reason that stagnant waters putrify, does the uneducated mind become barren and brutified. As the waters to keep fresh must run, or be fed from the great depths of nature, so must the mind have the never ceasing stimulus of various knowledge and science to keep its faculties in motion. The uneducated man is confined to a few animal gratifications, and his supreme delight is listless quietude. Not so the educated man; his soul ranges beyond the limits of mere physical enjoyments into the regions of science. He finds that the mind like the body has its appetites—and that the intellectual appetite, unlike the animal appetite, “grows by what it feeds on.” He never can be said to be alone,—to be without entertainment, or a pleasing companion. All nature is the theatre of his recreations; in her empire is the reward of his toils. If displeased, or wearied with the frivolity or tediousness of the living, he can in a moment, by that talisman which education has placed in his hand, commence on high and interesting themes with the dead!

Much remains yet to be done, gentlemen, but believe him not, who shall invidiously assert, that our Government has done nothing for India. We can point with exultation, not to proud piles of useless ostentation, but to temples dedicated to the beneficent deities of knowledge and morality, where disciples of all creeds and complexions may do homage without scruple, and perform their devotions without fear. We can cite as the founders and supporters of these beneficent institutions the most distinguished members of our Anglo-Indian Society: but it is a just cause of congratulation that the great work of educating the people of India, no longer left to the precarious exercise of individual philanthropy, is now recognized by the Government, as a duty imposed on it by the highest considerations of policy, justice, and humanity.

It can scarcely be expected of me in this place, or on this occasion to appeal to any specific evidence of the cheering fact I have now stated. If any were required indeed—this institution, established by Government in a spirit of liberality, worthy of the noble cause to which it is devoted, might supply it; while the presence here this day of the distinguished nobleman now at the head of this administration, may be justly regarded as an indication of his recognition of this enlightened policy; and as a proof of the interest he takes in your improvement,—a mark of condescension, which should stimulate you, as I sincerely hope it may, to renewed and unceasing exertions in your important and most interesting studies.

Let me not conclude this address without paying a just tribute to those, to whom India is indebted for the institution—to Lord W. Bentinck and Sir C. Metcalfe. Their names already belong to history in whose page their memories will live; but they will be more effectually handed down to posterity, by the moral effects of those philanthropic measures by which they paved the way for your ascent to the highest degree on the scale of civilization.

LECTURES  
ON  
GENERAL CHEMISTRY AND NATURAL PHILOSOPHY.

DELIVERED AT THE MEDICAL COLLEGE, CALCUTTA.

BY W. B. O'SHAUGHNESSY, ESQ., M. D.

INTRODUCTORY LECTURE.

In the commencement of my second course of Lectures on Chemistry for the pupils of this institution, I cannot but experience the highest satisfaction when I contrast the circumstances of the present occasion with those of the first day on which I had the honor of addressing the classes of the Medical College. On the opening of that preliminary series of lectures, many and seemingly insuperable obstacles opposed the success of my undertaking. In ignorance of the amount of capacity of my pupils, uncertain as to the feelings with which they might regard the science I was called on to teach them, destitute, too, of the apparatus requisite for the illustration of my lectures, I commenced my duties under the most painful apprehensions. But the experience I have acquired, and the events which have occurred during the past three months, have been amply sufficient to dispel all these forebodings. In the brief course I gave during that period, I found my pupils not only apt and industrious, but literally enthusiastic in the pursuit on which I was leading them. I found them conscious of no difficulty either in the nomenclature or the purposes or manipulation of the science, in short, I found them possessed of every requisite a teacher could desire. The deficiencies of apparatus and materials again were but of very brief duration, the Government with its characteristic liberality and zeal for the great cause of education, leading the way in supplying every article at its disposal, an example followed in a corresponding spirit by the managers of the Hindu College, and by many private individuals. Under all these circumstances I should be totally destitute of the zealous and warm feelings essential to my situation did I not regard with the utmost gratification the occasion for which we are this day assembled.

Reflecting for a moment on the nature of the audience, I now have the honor of addressing, composed as it is of many distinguished patrons of the cause of native education; of the foundation pupils of the Medical College, and of pupils of the Hindu College, not destined for the medical profession, I cannot but feel that I will best discharge my duty to the entire by explaining the nature, objects and useful application of the science I am appointed to teach, and submitting at the same time to the judgment of my hearers the system of instruction it is my intention to adopt. In explaining the nature of the science, I will perhaps be obliged at first to enter into a few details of an abstract and perhaps abstruse character, but I shall endeavour by experimental illustrations to facilitate the general comprehension of any difficult parts of the subject, and I shall pass from these as rapidly as possible to topics of more general interest.

As the study of Chemistry is but a subordinate branch of the mighty system of science to which the term Natural Philosophy has been applied, it will facilitate the object I hold in view, if we occupy a few moments in considering the proper import of these terms.

*Natural Philosophy* in ordinary language, means nothing more than the science or knowledge of natural truths. It embraces thus every fact in the phenomena of the

universe, which our intellect is capable of comprehending and of arranging in similar groupes, referrable to the same or to analogous causes. These causes may be unknown, but their effects are obvious, so much so indeed that a clue to their proper classification may be found in the indisputable proposition—that all the material masses in nature are composed of indestructible particles or *atoms*, combined or held together by *attraction* of various kinds, and these particles being in themselves *inert* or incapable of changing their state of motion or of rest. These few great truths, as that popular and elegant writer, Dr. Arnott, observes, lead to a ready comprehension of the nature or constitution of the masses of the universe and of the movements occurring among them and the laws by which they are governed. And even when we leave the comparatively narrow circle to which a contemplation of mere material and terrestrial phenomena would restrict us, when for instance we investigate the nature of heat and light and electricity and magnetism, and when we ascend to the sublimest of all studies, that of the movements of the heavenly bodies, these truths still point to the readiest path by which our investigations may be persued with facility and success.

As it is under the head of attraction that Chemistry becomes a department of Natural Philosophy, or of the knowledge of natural truths, I may so far anticipate a subsequent lecture as to enumerate the varieties which the natural force of attraction present. We have thus the attraction of *gravitation* which causes all bodies to move towards each other in proportion to their mass, as substances fall towards the earth, as the tides obey the approach of the moon, and by which the heavenly bodies are balanced in their perpetual career through space. Again, there is the attraction of *cohesion* by which two smooth and uniform substances, such as polished metals or glass, or cut Indian rubber, adhere together, and lastly you have the *electric* attraction to which, as it embraces the *magnetic* and the *chemical*, I shall advert in more detail.

• Without entering into minutiae which to the majority of my hearers would prove utterly unintelligible, a few remarks will sufficiently explain what is meant by the words *electric attraction*. When a piece of glass or wax, or many other substances are rubbed by silk, it is found that the glass acquires the power of attracting or drawing towards it various light bodies in its vicinity. This is simply illustrated by the action of the electrical machine before you, in which friction excites this property to a remarkable degree.\*

Now you will observe that in these experiments the attracted substances undergo no change of properties. Their color, form, &c. remain as they were before in every respect. To this then the *specific* name of *common electric attraction* is given to distinguish it from the next which may be called the *polar* or *magnetic*, because under its influence bodies are disposed to place themselves in a determinate position with regard to the cardinal points of the earth, pointing N. S. E. or W. and while so effected have the additional property of attracting iron and a few other substances with great power. With the common *magnet* or compass needle, almost all my auditors are familiar. You know how it points nearly to the North and South, and how powerfully it attracts iron. The cause of this polarity and attraction remained for ages one of nature's most mysterious secrets, but the splendid discoveries recently made by Faraday and Oersted unequivocally prove that the magnetic is but a species of electric attraction. The minute and detailed accounts of these discoveries I must reserve for another occasion. The proof I will shew you now.\* Whenever an electrical current is established in a certain direction in any substance, that substance tends to place

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\* Here Dr. O'S. illustrated his remarks by an experiment with paper figures, bells, &c.

itself in the same direction as the magnetic needle or mariner's compass, and it attracts masses of iron in the same manner. An electric current being thus excited in two minute plates of zinc and copper, and made to circulate round a piece of common iron, converts it instantaneously into a magnet of extraordinary power.\*

Such are two of the varieties of electric attraction. The third is the *chemical* which differs remarkably from the other species enumerated. It only acts at insensible distances; it changes the secondary properties of the bodies between which it operates, and thus gives rise to the endless and beautiful variety of color, form and fabric, which by means of a few simple substances, only 54 in number, renders the constituents of this globe the inexhaustible sources of happiness and delight to mankind.

The names of these 54 substances I have written on the list before you.† They are called *simple* or elementary, because they have not been decomposed or converted into more than one distinct substance. With the names of many of them, even the youngest of my hearers is familiar. There is gold for instance and copper and silver and lead and iron well known to every one, and called *simple*, because we cannot from gold or iron, &c. make any substance of different properties unless some other substance be present. These simple substances are arranged under the heads of airs or gases, of metals and of solid non-metallic bodies. Now combined with each other in various proportions and numbers under the extraordinary power of the last or *chemical* variety of electrical attraction, these 54 substances constitute the whole material form of our globe, and its inhabitants themselves. The air we breathe, the waters we drink, the soil that yields us food, our food itself, in all its varieties, the fabrics of our attire, of our dwellings, our machinery, of the implements of war, of husbandry, of all the pursuits of life, are thus simply and thus the more wonderfully constructed. You may contemplate all the objects which surround you in this room, and however great their variety, their ingredients are enumerated on that list. It is their association by *electric attraction* or *affinity* that gives rise to the variety you behold. The science of chemistry is that then, which examines the relations this species of attraction or affinity establishes, which ascertains the nature and constitution of the compounds thus produced, and which determines the laws by which its action is guided.

A few readily intelligible experiments will illustrate what I have stated regarding the distinguishing properties of simple substances and the peculiarities of the *chemical electric attraction*. These experiments will further impress on the minds of the student this distinguishing feature of chemical attraction, namely, the changes which it effects in the form, color, smell, and other secondary properties of the bodies between which it operates.‡

The domain of the science may thus appear to be what in truth it is of vast and almost infinite extent, nevertheless its study presents facilities which soon enable us to master its details. Between Chemistry and the study of a language previously unknown to us, a striking analogy may be traced. The words of the language, however numerous, are composed of but a few letters. We learn the forms and sounds of these letters to associate them in words, and these words again we can analyze and divide into their original elementary constituents. Thus it is with the materials of this world, we look around us, are amazed at its grandeur and diversity, and our senses are confused as when we open a volume in an unknown tongue. But experiment and analysis effect for

\* Dr. O'S. performed the experiment with the temporary magnet, and De la Rive's apparatus.

† These were written on the board in front of the auditors.

‡ Here the professor explained by experiment the change of properties caused by the chemical union of various gases.

the chemical philosopher what grammars and dictionaries accomplish for the linguist. The difficulties of both pursuits soon vanish, and the original chaos is marshalled into a system of perfect simplicity and order.

Having thus endeavoured to explain and illustrate the *abstract* nature of chemistry, I shall next attempt to point out the practical applications of the science, its importance as a branch of general education, especially for the natives of this country, and above all, its essential, its vital necessity to the medical student.

As a department of the general student's education, the knowledge of the properties of these simple substances and their compounds, is fraught with manifold advantages; of these, one of the most valuable, is its peculiar tendency to the formation of habits of sober and philosophical reasoning. Its very essence being the discovery of the qualities which distinguish one material substance from another, it trains the student by an insensible but irresistible power in the discrimination of truth from error in all its relations whether metaphysical or material. It is, in fact, one of the best systems of practical logic a youth can learn. It teaches him how to observe and appreciate the minutest shades of difference as well as the widest generalization of facts, and it does this, not by an appeal to our mental faculties alone, not by the dry comparisons of the sides of triangles or diameters of spheres, but through the channels of all our perceptions by what we see and hear and feel and taste and smell. On the first occasion of my addressing the classes of the Medical College, I quoted in support of these opinions a passage from an essay by Mr. Parkes, which seems to me to bear so appropriately on the subject that I may perhaps be pardoned for referring to it again; in alluding to the use of chemistry as a syllogistic system alone, Mr. Parkes emphatically says. "It may be remarked that it is the necessary consequence of this study that it gives the habit of investigation and lays the foundation of an ardent and enquiring mind. If a youth has been taught to receive nothing as true, but what is the result of *experiment*, he will be in little danger of being led away by the insidious arts of sophistry, or having his mind bewildered by fanaticism or superstition. The knowledge of facts is what he has been taught to esteem, and no reasoning, however specious, will ever induce him to receive as true what appears to be incongruous or cannot be recommended by demonstration or analogy."

Such was the opinion of Mr. Parkes, one of the most elaborate and highly informed writers on this subject. But it is not merely on these moral grounds that I would seek to establish the importance of the study to the general native student, other and perhaps more persuasive reasons may be laid before him. By becoming proficient in this science, he learns the certain means of obtaining lucrative employment and considerable distinction. We are in India situated in the vicinity of many territories to which Europeans are denied access, and which a scientific eye has never yet explored. These are open to the ingress of our native fellow subjects, but they know not how to make the observations which chiefly render travels of scientific interest or utility. But if possessed of due knowledge of chemistry and natural philosophy, the native traveller would enter these unstudied regions and view them as he would a book in a familiar tongue. He could ascertain the heights of their mountains, the nature of their soils, the character and value of their mineral riches, the composition of their drugs and dye stuffs, and all this with an apparatus not worth one hundred rupees. But not to stop beyond the limits of our own possessions, we might point to climates and localities where a European dare not venture, but where a native may reside with impunity, where rich mines of the precious metals, as well as of copper, iron, tin, and lead have been discovered, sources of inexhaustible national and individual wealth, but now utterly profitless through the



extreme ignorance of the natives of the mode of working the ores. In illustration of what can be effected in this department, I may mention that in a series of specimens sent to me from a native copper mine in Kemaon, the mere slags (or the part considered as waste by the workmen) were richer in copper than many ores which are turned to great profit in the hands of educated men. Under such a system native mining must be indeed a very useless calling, while if prosecuted by persons trained in chemistry for a few months, it would become a fertile source of national and individual emolument. Analogous cases are so numerous that they would occupy a long lecture to detail them. Possessed of many of the finest dye stuffs in the world, India is forced to export them to a more enlightened land, where the cottons also exported from India receive their colors and return to the place of their original production. I might adduce the instance of the Turkey red and of the permanent shawl green in proof of what India loses by her ignorance of the chemistry of the arts. The Turkey red cottons are well known in the markets of Bengal for their fine and permanent color, and their high price, yet though all the materials used in the process are of Indian growth, the skill to apply them does not exist, and the consumer is consequently forced to pay the expenses of their exportation to Europe and their return to India, as well as the remuneration of the European dyer. It is an authenticated fact that the shawl weavers of Cashmere and upper India have on more than one occasion purchased up English green cloth at fifteen rupees a yard merely for the purpose of extracting the green dye with which it was colored. In the manufacture of porcelain, glass and various kinds of pottery, in the production of saltpetre, the cultivation of opium, the growth and purification of drugs and dye stuffs, for the wholesale market, the same wide field exists, in which numbers of young men would find lucrative employment, and would, moreover, be the source of inestimable benefit to their countrymen by disseminating among them the knowledge of the improved process by which the value of the manufactures alluded to would be enhanced beyond calculation.

Such are a few of the useful applications to which the general student may turn this captivating science. It is one, moreover, which the humblest mind can sufficiently comprehend and avail itself of, while to the highest and most gifted it affords unbounded scope for the employment of all its endowments. Duly impressed with the necessity of disseminating such valuable knowledge, our most patriotic and enlightened statesmen, and other individuals of high rank in England, have within the last few years lent all their influence to the establishment of Mechanics' Institutes throughout the manufacturing towns; in these institutions regular lectures on chemistry are delivered and crowds of humble citizens receive gratuitous instruction. The result is already known—from the ranks of the workman and the mechanic have sprung up a multitude of men of genius, whose endowments would otherwise have been thoroughly lost to mankind. Every art and manufacture has already felt the impetus of this mighty power of education; inventions are daily patented and their practicability proved which but a few years since were merely talked of and laughed at as idle chimerical dreams. In short, the progress of improvements becomes so rapid and extraordinary, that it is difficult even to speculate on the limits which human ingenuity will ultimately find.

But even here I cannot close the enumeration of the motives which should influence the general student in the prosecution of this study. I am aware that among my native pupils there are many young men whose affluent circumstances will place them beyond the necessity of turning chemistry to purposes of emolument, and who perhaps may reasonably feel no ambition for distinction in this or any other science. But even to this section of native pupils I can hold forth inducements enough in the mental gratification every rational being must derive from the views this study communicates of the beauty, the simplicity, and the design which pervade all the natural phenomena around us. A

lecture I once attended at the Royal<sup>o</sup> Institution of London, may well illustrate this position. The lecturer treated of the nature and properties of the air,—of the atmosphere we breathe.

He took a portion of the air of the room in which the audience was assembled. He analysed it and showed that in that invisible, impalpable fluid there were two different gases; these gases again he extricated from other substances, and imitating nature's own processes he made atmospheric air. By appropriate experiments he caused mists and clouds to form, and miniature lightning to play through the air he thus created. He caused iron to burn like tinder in one of its elements and by the combustion of lime produced a light as intolerable to the eye, as the rays of a noon-day sun. Water, he shewed congealed in a few moments as if by winter, he then separated its elements and made them re-unite with an explosion like the thunder, and such heat that flint and agate melted before it like wax before an ordinary fire; and to crown the demonstration, he lastly exhibited the same elements in another form, impelling a steam engine with the power of an elephant but obedient to the finger of a child. The audience on that occasion were composed of many distinguished noblemen, jurists, military officers, divines and other individuals of *general* education, and all seemed equally delighted with what they had witnessed. If then this science discloses such attractions, that it is followed with avidity by these distinguished classes of society, the native general student may with confidence become their imitator in this as in many other pursuits.

But if chemistry be thus profitable and gratifying to the *general* student, the *medical* student derives from it such inestimable benefit that I feel bound to point out in some detail the leading applications of the science to medicine and its tributary or dependent pursuits.

• Though the nature of *life* is yet utterly unknown, and perhaps altogether inscrutable, we find that in the living body there are constantly taking place numerous chemical actions essential to life's continuation. Of these one of the most important, is *respiration* or breathing. Chemistry has long since pointed out that the air we breathe is not as the ancients thought, and as the uneducated still believe, an elementary or simple substance but composed of oxygen and nitrogen gases, with small quantities of an air called *carbonic acid*, and it has further proved the extraordinary fact that it is the oxygen alone which supports our breathing and thus maintains our lives. The *nitrogen* lends no assistance to the function; but most strange of all, the *carbonic acid* which exists in the air we are at this moment respiring, is a poison of such power that if it was present in the proportion of but *one* to *four* parts of air, every individual in this room would instantaneously perish. By various natural and artificial processes this poison is produced abundantly on the surface of the globe. In many places it accumulates rapidly to the imminent danger of those who approach incautiously. A moderate knowledge of chemistry, however, enables us not only to ascertain when its proportion becomes too great, but when this has happened to render it perfectly harmless. It leads us too, by our knowledge of the cause of the accident, to efficient means of treatment and cure. Many of the pupils now present recollect the experiment I showed them in demonstration of these facts, and how a bird apparently killed by carbonic acid, on the application of the proper treatment, instantaneously recovered and flew from the table.

• The applications of chemistry to the study of respiration, and the understanding and treatment of many other accidents, and of some diseases in which our breathing is concerned, would in itself occupy more than one lecture, I shall consequently turn to other and equally important applications of the science in medical pursuits. In the *digestion*

of our food, it has revealed the elements which most contribute to the nutriment of animals, explained many of the wonderful changes by which our food is converted into blood and flesh and bone identical with our own. It has taught us how to relieve many painful and dangerous diseases of the digestive organs by strictly chemical means, and it has shewn mankind how to extract wholesome, palatable and nutritious food from many substances long supposed to be utterly destitute of utility.

In diseases of the *urinary* organs again, in stone and gravel for instance, a knowledge of chemistry is indispensable. The stones formed are of different kinds, in fact of opposite constitution. Some of them are dissolved or their formation prevented and the patients cured by means of remedies, which would to a certainty have the effect of aggravating the disease were the stone of a different chemical constitution. In short, if we understand chemistry, we can cure many cases of stone, and thereby spare our patients a dangerous and awful operation ; but if we are ignorant of that science, our remedies will in all probability make the disease infinitely worse than before.

Again, the blood and its secretions are only understood by the chemist, and he applies his knowledge of their composition to practical uses of the utmost importance ; in some diseases, for example, the blood undergoes changes which chemistry alone can explain, and by this explanation we are guided in our research for appropriate systems of cure. Since the æra when medicine was first cultivated, no more remarkable event has occurred, no more extraordinary proof of the power of well directed science over disease has been exhibited than the one to which I am now about to call your attention. As soon as the pestilential cholera reached England, experiments were undertaken by the desire of the Central Board of Health, with a view to ascertain whether the blood or other fluids of the body underwent any change in the disease. I had the good fortune to have been employed for this purpose. Simple experiments, so simple that I have already taught many of this class how to perform them correctly, shewed that the blood was already in a remarkable degree—that it had lost a great quantity of the water it naturally contains, and the saline matter in which it also abounds. The inference seemed to me obvious, that whatever might be our ignorance of the cause of the disease, this at least was one of its effects which we should obviate before a cure could be accomplished. To effect this I proposed that at least in the desperate cases, abandoned by all other systems, an attempt should be made to restore the fluidity of the blood by injecting the substances it had lost directly into the veins. The suggestion was immediately adopted, and on the 10th of May, 1832, the first trial of the operation was made in Leith, by Dr. Latta of that place, and was attended with results perhaps the most wonderful of any recorded in the history of practical medicine. I quote Dr. Latta's words.

“ The first subject of experiment was an aged female, on whom all the usual remedies had been fully tried without producing one good symptom. She had apparently reached the last moments of her earthly existence, and now nothing could injure her ; indeed, so entirely was she reduced that I feared (Dr. Latta says) I should be unable to get my apparatus ready ere she expired. Having inserted a tube into the basilic vein cautiously, I anxiously watched the effects. Ounce after ounce was injected, but no visible change was produced ; still persevering, I thought she began to breathe less laboriously ; now the sharpened features and sunken eye and fallen jaw, pale and cold, bearing the manifest impress of death's signet, began to glow with returning animation, the pulso which had long ceased returned to the wrist ; at first small, weak, by degrees it became more and more distinct, fuller, slower, and firmer, and in the short space of half an hour, when six pints had been injected, she expressed in a firm voice that she was free from all uneasiness, actually became jocular, and fancied all she needed was a little sleep.”

Such were the immediate effects of the operation. It was immediately repeated on fifteen abandoned cases, cases of individuals apparently beyond all human relief. In every case the same respite was given, and five of these moribund dying patients completely recovered. Dr. Girdwood, of London, next came forward and out of seven cases obtained five perfect cures. In one of these, blood drawn from the patient one day before and three days after the operation, were given to me for chemical analysis. In the first, the blood was thirteen per cent. thicker than it naturally should be; in the second, after the operation, it had completely regained its natural density.

The instantaneous benefits invariably derived from this operation, and the number of cures obtained almost miraculously by its use, prove, at all events, the correctness of the principles on which it was founded. It is said to have failed in many cases. This is not surprising for many reasons; the patients on whom it has been performed hitherto have, in a vast majority of cases, been either dying or actually dead. We could not pretend to work miracles by this or any other method. But independently of this, the thoughtlessness or ignorance of many practitioners in performing the operation with common instead of distilled water, is quite sufficient to account for many of the reputed failures, and for this reason, common water invariably contains atmospheric acid. Now the injection of a minute portion of air into the veins is so rapidly fatal that this is the mode now adopted for killing horses at the tanneries of Paris.\*

I might dwell at great length on this as on many other causes of the reported failure of this operation did my time permit, I now content myself with quoting from the most eminent medical periodical of that day, its Editor's observations on one of these extraordinary cases.

"The case thus alluded to, we think, is one of the most interesting recorded in the annals of our profession. It entitles us to presume that as organic chemistry improves, as our knowledge of the relation between the blood and remedies of different kinds increases, the art of treating diseases in general will be placed on a more certain and rational foundation. It teaches us how boldly we may proceed when certain and scientific data are before us, and it thus dispels the all but cowardly timidity which has hitherto prevented the principles of the treatment in question from being carried into effect."

These remarks are from a leading article in the *Lancet* Vol. 1. 1832, where full official reports will be found on all the particulars of this interesting subject.

I feel that I have now trifled so long with your patience that I must pass over very briefly some other departments of medicine, in which chemistry is equally essential and valuable.

Among the foremost of these, especially in this country, is the study of the chemical composition of the medicines used in surgical and medical practice.

Some of the most powerful medicines we possess, such as calomel and the other compounds of mercury, lead, antimony, copper, iron, &c. are exclusively artificial preparations, all easily and cheaply and well made by those who understand chemistry, but only obtainable at enormous expense by persons uninformed in that science. In every bazar

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\* I may add too, that distilled water as it is commonly prepared, contains a considerable quantity of air also. For this important operation the water should be distilled so that air could not come in contact with it, and heated when required to the due temperature in the receiving bottles, instead of using the rude mixture of hot and cold water generally employed.—Note by the Lecturer.

in India the raw material is to be found from which all these valuable remedies, from the use of which your countrymen are now debarred, can be prepared. But you must be practical chemists to accomplish this national object, mere book chemistry will not do. In proof of this I need not adduce more than one solitary fact. The substance called *soormah* or sulphuret of antimony, which is cheap and abundant in every bazar, is the source from which all the invaluable preparations of antimony, for instance *tartar emetic*, are prepared. Now, on referring to Dr Ainslie's work on Indian materia medica, you will find that author asserting that what is sold for *soormah* is always sulphuret of *lead* not of antimony. The practical chemist alone could decide this question, and on analyzing the *soormah* of the bazar, I found not only real sulphuret of antimony but the best and purest I ever met.

Again there are many valuable medicines, such as Peruvian bark, composed of a small quantity of an active remedial principle, mixed up with much useless or even prejudicial matter. From this bark the chemist has extracted quinine, by which we now can master most of the fevers of this country, rendering it to the wealthy and the great, practically on a par in salubrity with many more favored climates. But this Peruvian bark and quinine and other similar valuable remedies are only obtainable from Europe or other countries at an expense which renders them unattainable by the poor inhabitants of this country. But I have too firm a faith in the providence of nature not to believe that she has been as bountiful to India as to Peru. Though our jungles and forests exhale miasmata they are doubtless productive of febrifuge vegetables too. I look with confidence to the indigenous materia medica for a substitute even for the inestimable quinine. The enquiry is already proceeding under the most favorable circumstances, and ere long I trust the discovery will be established which would be fraught with inappreciable good to millions of our poor Indian fellow subjects. This once accomplished, we will in India, if a class of native practical chemists be brought into existence, be almost independent of any other country. I have taken the trouble of counting the number of medicines now imported from Europe. They amount to several hundreds, all of which, except about 80, may be prepared or grown in this country. For these 80 many efficient substitutes exist in known indigenous productions.

It is almost unnecessary for me to pursue any further the uses of chemistry to the medical student. I will only allude to one topic more. There are numerous and very powerful poisons, rapidly proving fatal when taken in a certain quantity. I may mention prussic acid, barytes, oxalic acid, corrosive sublimate, caustic potash, oil of vitriol, &c. as instances; these and many others chemistry renders perfectly harmless by pointing out antidotes, which if administered in proper time, are the certain means of saving life. To chemistry again we turn in cases of murder by poisoning, to enable us to detect the substance used, and bring the murderer to justice. The nicety with which in many cases this science enables us to accomplish this important end will be judged of when I tell you that a very little practice in the laboratory will enable you to detect the 100th part of a grain of arsenic, corrosive sublimate, &c. in any mixture that can be presented to you. And perhaps it will be equally pleasing to you to know that this science will very often enable you to protect persons labouring under false accusations.

I shall now conclude by giving a summary account of the mode in which the classes shall be conducted.

I propose in the first place to bring the pupils through the list of simple substances before you and their compounds, minutely investigating their properties as we proceed. The history of chemistry, one of the the most pleasing departments of my duties, I will

take up seriatim as I examine each simple substance. Thus, when we come to the metals, their history will bring us back to the days of Geber and the alchemists, to their dreams on transmutation and on the philosopher's stone.<sup>6</sup> When the air is to be described the labors of Priestly, Cavendish, and Lavoisier will find their most appropriate, because most intelligible, record. Having gone through the simple substances, I shall shew how they are affected by heat and light, and in this department the steam engine, and subsequently the recent magnificent discoveries in electricity and magnetism will be fully considered. In this system I may add, I imitate with slight modifications the plan pursued in the Schools of Chemistry of the Universities of Edinburgh and London. I say with slight modifications, for I am aware that it is usual in most schools to commence with heat and light, and thence to proceed at once to electricity and magnetism, and last of all, to the simple substances. The plan seems to me open to so many objections, that I have decided on adopting the different course I have described. From the difficulties I myself encountered while a student in comprehending the laws of heat before I was taught the properties of the substances on which the operation of these laws was pointed out, I cannot but be convinced of the advantages of the method I now propose. How, for instance, can the *specific* heat of the *gases*, an important and most useful but most elaborate subject, be possibly studied with advantage by those who are ignorant of the other physical and chemical properties of the gases in question. On this point I appeal with confidence to more than one of the eminent scientific gentlemen now present. Again, as to heat, the recent researches of Nobili and Melloni on radiant heat would alike defy the intelligence of any student who did not possess extensive and accurate knowledge of the chemistry of the simple substances; in proof of this I may mention that the new and beautiful results they have obtained, can only be demonstrated by an instrument called the thermo-multiplier, they have constructed, and which is now preparing in this laboratory, so delicate in its indications that the heat of a common fly or of a budding flower, even of the moon's rays, is distinctly shewn by it. It would be idle, I repeat, to attempt to teach my pupils the use of this instrument at the commencement of the course, and it would be equally idle to attempt to teach the laws of heat without its assistance. These remarks *ceteris paribus* applied to galvanism and electricity, also sciences which Faraday has within the last few completely months revolutionized. It would be equivalent to the teaching of the Ptolemeian instead of the Copernican astronomy, if I were to follow in this school any doctrines but those which Faraday has established, and which will mark this century with distinction in all future scientific chronicles. I might as well give lectures on astronomy to men destitute of all knowledge of the rudiments of mathematics as persevere in the usual routine of the schools, as to the order of the lectures on galvanism and electricity.

Lastly, on the alternate days whenever the subject admits of it, the medical pupils will be instructed in the laboratory in the practical details of chemistry, especially in the making of medical preparations and testing of poisons and analysis of ores and minerals. In this section I shall follow the system adopted in the *Ecole Pratique* of Paris, the beneficial workings of which I have myself witnessed. These courses will occupy about five months, and next year will, I trust, be followed by one for general students and tradesmen exclusively on the chemistry of the arts, and in which they have the benefit of visiting the many manufactories about Calcutta; and another for the most distinguished of the medical pupils on the minute details of analysis on the peculiar plan followed by *Rose*, the professor of chemistry at Berlin.

The only serious difficulty I anticipate in carrying these designs is in the impossibility of providing all the pupils with the admirable class books of Europe. The only remedy I can devise for this deficiency, is the publication next year of the notes of my lectures

in the form of a Manual. This will be of use to the elementary students, while those who distinguish themselves shall not want books to promote their exertions. Of course the success of the plan depends chiefly on the zeal and capacity of the pupils. Of their capacity no one who looks at their foreheads can doubt for a moment; of their zeal, too, I have had already ample proof, and why should they not be zealous. They have every inducement before them to make them enthusiastic. Emolument, honor, and distinction must rouse them from the apathy alleged to be their national curse. In fine, I would bid them to look forward with the feelings of patriotic men to the benefits they can thus spread among their fellow subjects. Every pupil we teach here may go forth in his turn and teach a hundred more, thus scattering in every direction the seeds of useful knowledge we now are implanting, among themselves. They will thus become the true reformers of their æra, and though some among them may not live to see the gathering in of the harvest they have sown, their memory will at least be honored as the first who guided the plough over a field which for ages had been a fruitless, because an uncultivated, waste.

I feel it necessary to correct a misapprehension relative to the publicity of these lectures. They cannot be called strictly *public*. In the first place I am not aware how far that might be sanctioned by the Principal of the College or the Committee of Public Instruction. The lectures, moreover, will scarcely be of the description calculated for a general audience, being solely intended for the elementary instruction of the Hindu College and Medical pupils. Next cold season I hope to give a course of *popular* lectures in Calcutta. Meanwhile any gentlemen who may feel interested in our progress, and satisfied with mere rudimental instruction, are of course perfectly welcome to attend.

# PRACTICE OF PHYSIC.

INTRODUCTORY LECTURE, MAY 3, 1836.

BY H. H. GOODEVE, ESQ.

We are now about to commence upon another and a very different branch of study from that to which you have hitherto devoted your attention.

A large portion of the foundation of your future medical knowledge has, I trust, been securely laid by the attention you have paid to the Science of Anatomy and her twin-sister Physiology. You are now ready to apply with advantage the information you have already acquired, and to prosecute with profit the more practical part of your profession. Without that previous knowledge you would have labored in vain. As you have already been frequently told, you can know nothing of the nature of disease until you have made yourselves masters of the structure and uses of the parts which are the subject of that disease. I need not, on this occasion, therefore, enlarge upon the important character of the studies in which you have heretofore been engaged, and their intimate connexion with those to which you are about to devote your attention. Their value must be self-evident even to the tyro, how much more is it then to you who have already made so much progress in your studies—a progress, I may add without flattery, which has been made within so short a period of time, that it is equally creditable to yourselves and gratifying to your instructors. Strict, however, as the connection between healthy and morbid anatomy may be, and much as the progress you may hope to make in the latter, will depend upon your knowledge of the former, you will find that the subject of your present studies differs materially in its nature from that in which you have hitherto been engaged. In the study of anatomy you, for the most part, require the exercise of memory only; now, still retaining in your minds the knowledge you have already obtained, you must call reflection and judgment to your aid, and be assured, gentlemen, these qualities must be of no inferior character, or you will never become skilful physicians, or accomplished surgeons. In place of acquiring a long list of hard names, with an account of the relative position of arteries, nerves and muscles, you must now learn to distinguish between the various alterations in structure and functions which occur in the machine whose separate parts you have been studying, and you must seek to devise appropriate plans of treatment for the cure of these derangements.

When we consider the nature of these duties, how much depends upon your future knowledge and ability; how large a portion of happiness you may produce by the skilfulness of your treatment, or on the other hand how much misery, mental and bodily, you may inflict by the mistakes of your ignorance, you will not, I am sure, require to be told that all your energy, all your attention, must be employed to accomplish the task before you, and that the same praise-worthy diligence you have hitherto displayed, must now be exercised with renewed ardour; that your zeal must be unwearying, your labor unremitting.

To this you are more especially behoven when you consider the miserable state of the healing art amongst your countrymen. When you contemplate the frightful mischiefs of quackery, the fatal effects of ignorance daily manifested around you, you must see ample cause to strain every nerve to remove these crying evils. Remember the proud position in which you are placed. Recollect that if you avail yourselves of the opportunities now offered you, to you will belong the high honor of first introducing amongst your



brethren a radical improvement in the medical art. For, when the superiority of your knowledge over that of the common native practitioner shall become conspicuous, as needs it must be, your countrymen will gladly avail themselves of it, as the richer portion of them now do of the superior science of the European surgeons and physicians.

The hope of emulating your success will then induce others to follow your example; it will serve as an incitement to those who are now content with ignorance to make themselves masters of the same knowledge which will have rendered you so conspicuous. The trade of the quack will fail; he will be compelled to educate himself rationally and study his profession as a science, or starve; he will no longer be able to fool away men's lives with his ignorance and chicanery.

Be assured that the formation of this noble institution, (for the establishment of which we cannot be sufficiently grateful to the enlightened founders) will be a death-blow to the reign of empiricism in India; every syllable of instruction conveyed within these walls, saps the foundation of the empire of quackery which has so long triumphed in this country.

It is true, that many of the native physicians pretend to great learning, and no doubt they have spent much time and labor in pouring over the precepts of the shastras, and the aphorisms of the Arabian philosophers; but in approaching the study of medicine as a science, you will find that from your own medical works of the highest repute, or from the experience even of the best informed of your practitioners, you will derive but little assistance or instruction. How can it possibly be otherwise. The medical art in India, such as it is, is founded upon no knowledge of anatomy, no principles of physiology. It is utterly devoid of all pathological research—objects which must necessarily form the basis of all scientific enquiries upon the subject. On the contrary, it consists of a set of dogmas, generally as ridiculous and injurious, as they are unintelligible, stating for example that all diseases are either of a hot or cold nature, or that they are produced by humours in the brain or in the liver—opinions formed without any reference whatever to the actual condition of the organs or of their functions, either in a healthy or a diseased state. Resting upon such unsound foundations, upon such opinions, with regard to the cause and nature of diseases, how can we expect the plan of treatment to be more valuable. If possible, it is still worse, more ridiculous, and far more mischievous. The hot and cold diseases require antagonizing cold and hot remedies to counteract them, and such a collection of drugs and useless compounds as the unfortunate patients are compelled to swallow, can scarcely be conceived by one educated in a rational manner. But they are worse than useless. There are too many of them positively injurious in the highest degree—many of them so dangerous that it is horrible to reflect upon the miserable effects which are sometimes produced by them. Death itself would be a mercy in comparison with the consequences which I have sometimes seen to ensue from the administration of some of the native poisons. Amongst the rest, I may mention mercury, which in the hands of the native practitioners plays sad havoc with the miserable victims of syphilis; arsenic also and aconite under the name of *bis-boorie*, is used to an extent, which frequently induces the most lamentable results; for example, madness, epilepsy, and a host of others which I have not time now to allude to, but which we shall hereafter have too many opportunities to observe. When speaking of the state of native medicine in this country, there is one subject to which I cannot avoid referring: I allude to the destitute state of the sick poor. The better classes when attacked with illness can obtain some sort of assistance, and those who are rich enough can get European doctors. But, alas! the poor are for the most part totally helpless; they have no where to look for aid of any kind; they die thousands for want of the commonest relief. It is indeed a sad stigma upon their

wealthier fellow-countrymen that only one native hospital exists in this enormous city, and even that in a great measure is supported by Government. It is true that it has for some years been *proposed* to establish another one; but the attempt has hitherto proved abortive. Some few of the more enlightened natives have, in a most laudable manner, lent their support to its establishment; but their example has not been followed by others, and amongst a population rolling in riches, thirty thousand rupees alone have been scraped together with no small difficulty. A very small portion of the enormous wealth possessed by some of the rich Baboos—wealth either hoarded by them in large iron chests, where it lies useless alike to themselves or their neighbours, or squandered in the pomp and foolery of a religious procession or a marriage ceremony—would erect hospitals and dispensaries through every town in India, where the poor might find relief from disease and a refuge from the horrors of a lingering death. But I would fain hope that better times are not far distant. To return, however, to the more immediate subject of the lecture.

The practical part of the science to which you are devoted, is divided into two portions, Surgery and the Practice of Physic. The former comprehends all the maladies which appear externally, including the accidents to which the body is liable, such as fractures, dislocations, wounds and the various manual operations which it may be necessary to perform for the cure of diseases; in fact, all diseases which admit of the remedy being applied directly to the part affected.

On the other hand, the practice of physic treats of the diseases which affect the internal organs of the body—those parts to which we have no direct access—diseases whose progress we cannot witness—of whose nature we can only judge by the effects which they produce upon the system generally, such for example as diseases of the viscera, disturbance of the great function of circulation, respiration, digestion, and of the nervous system. There is, however, one class of diseases which have been placed within the limits of physic, which, according to all established rules, we should expect to find within the precincts of surgery. The *diseases of the skin* have from time immemorial formed a part of the study of physic. If it is possible for any one set of diseases to be more clearly a part of *stnout side* division than another, it is these; they are the most superficial of all, the most conspicuous externally, and the most readily treated from without.

In the division between these two branches of the profession, it is manifest that surgery has the most advantageous share of the work. The surgeon can see his way clearly before him; he may watch from hour to hour the changes which are taking place in the organ which he has to treat, and he sees at once the direct effect of the remedies which he applies. On the other hand, in the practice of physic all is comparatively dark and uncertain. The physician, for the most part, sees nothing of the disorder he is treating, but the general symptoms; he cannot observe its frequency or ascertain distinctly the operation of his remedies. His practice in surgery is in the dark. His situation resembles that of the surgeon who may be called on to treat a disease of the arm or leg, while the affected part is studiously concealed from him behind a curtain, and he is only permitted to see his patient's tongue or feel his pulse. We should expect then that surgery would be considered the more perfect art of the two, or at least that it would have held an equal rank with physic; but it has not, until lately, been so regarded.

In former days physic was deemed a noble science, while surgery was considered a mere mechanical drudgery.

The physician was looked upon as a superior being, while the surgeon was treated as a common artisan. The physician jangled with the learned and the great, while the surgeon was associated in the same ignoble trade with the barber. This ill-assorted union of shaving and surgery continues up to the present day in some parts of Europe, and in the East there are still no other surgeons than the barbers. In the more enlightened countries of Europe, and America, however, in consequence of the great progress which has been made in the department of surgery, that science has been raised to a level with physic, and the practitioners of both classes are placed upon an equality; indeed, they are now constantly united in one person. In England, however, more especially in London, the separation still exists to a great extent. The surgeon and the physician are often distinct individuals. This distinction, however, for all practical purposes, is extremely absurd and inconvenient. The two branches of the profession blend so insensibly into each other, that no fair line of distinction can possibly be drawn between them.

There is yet another and an important division of medicine, the study of which forms a separate branch of education. One relief, however, at present you cannot study; hereafter you may perhaps have an opportunity of doing so. I allude to the department of *midwifery*, and the diseases peculiar to women. It is a department which the prejudices of the East will not admit the male part of the community to practise, and it is consequently at present in the hands of women of the most ignorant description, who daily commit mischief still more dire than those perpetrated by the quacks of the other sex. I do hope, however, that the time will come even in our day, when your country women will participate in the benefit which an improved state of medical knowledge will produce in this land; and if men are not allowed to practise this branch of our profession, that well-instructed female practitioners in midwifery, like those of France, will ere long occupy the place of the wretched old women who now perform the offices of midwifery and female physician.

These distinctions of physic and surgery, foolish as they may be in a practical point of view, are however extremely useful to the student, and universally adopted in all medical schools, the two branches forming, properly enough, separate portions of education.

In furtherance of this plan, therefore, the present course of lectures will be devoted to the study of physic alone. Surgery you will learn in due time under the guidance of my talented colleague Principal Bramley.

In studying physic you will soon find that you are not engaged in fathoming the depths of any exact science. So far from it, medicine is unhappily the most uncertain of the whole. The nature of the subject frequently renders the investigation of its phenomena highly unsatisfactory; and our conclusions on the subject too often uncertain. Much as our knowledge of disease has advanced within the last few years, we are still comparatively ignorant upon many points connected with it. Even up to the present day we are at times compelled to wander in the land of speculation without a compass to guide our way; or at the best with one so imperfect that it often directs us in the wrong track. Although the present advanced state of medical knowledge may enable us to ascertain for the most part the nature of the various complaints to which the human frame is liable, and to distinguish them from each other, you will find yourselves frequently at fault, and you will often have reason to know that you have formed a wrong judgment upon the disease you have been treating. There are cases perpetually brought before us which baffle the utmost ingenuity of our art to discover their true seat, and still more completely do they set at defiance all our efforts to relieve them. This is perhaps more especially the case with the nervous system than with any other. The impenetrable mystery which envelopes the functions of this system in a state of health, extends itself too frequently

over the changes which are produced in it by disease rendering them utterly unintelligible and too often incurable. But above all, things be not disappointed if you find that your *curative intentions* do not always answer the purpose you wish them to fulfil. However correct may be the judgment you form upon the disease before you, and howsoever well-adapted your remedies may be *theoretically*, you will constantly fail in your efforts to obtain a cure, and you will be compelled to witness the complaint rapidly advancing to a fatal termination in spite of all your efforts to arrest its progress. But console yourselves under such circumstances with the reflection that the patient is not immortal, nor is the physician all-wise. Our art is yet comparatively so backward that the most talented and the most learned must frequently fail for want of more accurate and extended information; but under any circumstances we cannot always succeed. Mortality is the lot of all living things. It is appointed unto all men once to die, and the whole power of our art cannot diminish the natural mortality of mankind. The utmost we can hope to accomplish is to relieve the sufferings of our fellow creatures and to prolong lives which but for our exertions, might sink into an early grave. As it is true that the philosopher's stone is yet hidden in the bowels of the earth, so is the elixir of life hitherto undiscovered. Do not, however, deem from this that our profession is one of little moment and that because it is not all perfect, it is not worthy of the most profound attention; you will soon find, I trust, that it is one of the highest value; that its effects are perhaps more important than those of any other. The success which attends the efforts of the skilful physician, are at times almost miraculous. The relief which he affords to the agonized patient, the signal triumphs which he is able to obtain over disease, and the many blessings which he is thereby enabled to confer upon mankind, renders the science which is capable of endowing its votaries with such power, one of the grandest and most ennobling which you can pursue.

While pursuing the study of disease, you will, I trust, soon perceive the importance of paying strict attention to a *morbid anatomy*, or pathology as it is sometimes improperly termed. Pathology, in truth, signifies the whole history of disease; its causes and symptoms, modes of action, and the rational of it, as well as the mere morbid changes, which take place in the various textures of the body in the course of disease. It is not merely morbid anatomy, it is morbid anatomy and morbid physiology together. That you cannot hope to understand any thing of disease without a knowledge of this art, I need scarcely tell you; you cannot treat rationally that malady the nature of which you do not understand.

You must study morbid anatomy deeply before you can hope to make yourselves masters of the medical art. It is to the cultivation of this department of our profession, the theoretical department, properly speaking, that we may attribute the great improvements which have taken place in the PRACTICE of medicine within the last few years. When we come to speak of the history of medicine, a subject which I shall for the present defer, you will be amused with the ridiculous theories which were prevalent before the study of pathology was pursued as it now is.

It is only within the last last forty or fifty years that this branch of the science may be said to have made any satisfactory progress. Previous to the latter end of the 13th century, medical men troubled themselves but little with the condition of the organs they were endeavouring to cure, and the speculations they did form upon the subject were vague and often highly absurd.

The change which has been since wrought in the practice of physic, has been most striking. In place of administering a long list of empirical remedies, a vile farrago of

drugs and nastiness, we are able to pursue clear and simple methods of treatment, founded upon our knowledge of the morbid changes which take place in the various organs of the body. Never, I pray you, neglect any opportunity of examining the bodies of those who may unfortunately die in your charge; and in the course of your professional career, but too many opportunities of so doing will occur to you. By so doing, and comparing the morbid appearances with the symptoms you have been watching, you will acquire information which nothing else can possibly afford you.

In seeking to cure the diseases which are brought before you, you will find that the great remedial agent, the power upon whose aid alone you can depend for assistance in the time of need, whose laws must be the basis of all your principles, and the guide of your actions, is NATURE. You have already seen her working in our bodies in the time of health, regulating all our functions and directing the various processes which constitute life. Be assured she does not neglect us in the hour of sickness. When we are attacked with disease we find her striving to drive off the enemy, inventing plans to eject him from our bodies. The disposition thus evinced by the power within us, called by the ancients the *vis medicatrix naturæ*, or in plain English, the curative power of nature, is constantly acting for our advantage, and pointing out to us the path, we as physicians should pursue. By watching the operation of this power, we learn to proceed upon rational principles, and to employ our remedies towards the right object. We find, for example, that cases of fever often terminate spontaneously by the bursting forth of a profuse perspiration or the occurrence of what is called a critical discharge of some kind; a smart diarrhoea for instance. Observation of these processes, at once suggests to us the employment of medicines which have a similar effect. Following in nature's footsteps, then, we administer to our fever patients diaphoretics or medicines which have a tendency to produce perspiration, and emetics, cathartics or purgatives which create a free discharge from the alimentary canal. Again we find that the sudden suppression of certain cutaneous eruptions tends to produce a disease in some internal organ, whilst on the other hand internal disease are frequently relieved by the spontaneous occurrence of an eruption on the skin. From these we learn the employment of counter irritants, or in other words, the irritation of some part of the body distant from the seat of disease, which by setting up a new process in a remote spot causes the original irritation to subside. Indeed we have reason to believe that many of the diseases which we behold, are merely the efforts of nature to get rid of some offending matter; then the presence of certain indigestible substances in the alimentary canal induces a violent purging. This is nature's effort to remove the annoying matter. What can we do under such circumstances? We can but follow the manifest indications before us. We must aid the effort of nature by giving a more powerful stimulus to the peristaltic action of the bowels and by thus increasing the diarrhoea temporarily, we remove the disease permanently. Many similar instances might be adduced, if we had time to refer to them. Let me therefore repeat to you, that nature is the great physician, and that we are merely her assistants; that our business is to watch her motions closely, obey her dictates and aid her efforts. The most successful medical practitioner is he who contents himself with obedience to those laws of nature, who follows her counsels most implicitly.

\* You will soon learn that the more simple your remedies are, the better it will be for the patient, and the easier will be the treatment of the disease, and that by an unnecessary interference with the *medicatrix naturæ* you not only retain the progress of the case, but you may proclaim a new disease equally formidable with the one you are anxious to relieve.

With regard to the employment of remedies, I need not say much at present; as in this course of lectures, I do not propose to enter into any minute details upon the

subject. Hitherto you are ignorant of the science of *materia medica*; you know not the names, much less the properties of the various drugs which you are to employ in the cure of disease; it would be premature, therefore, to speak at length of the employment of these articles. Indeed in the ensuing lectures I shall seek rather to lay before you the theory and principles of the science than the practise of physic. Strictly speaking, I shall endeavour to point out to you the general history and arrangement of the symptoms and the various conditions of the affected organs which they indicate,—the judgment you may form from thence upon the probable termination of the disease, and occasionally give you an outline of the general plan of the treatment to be pursued. Next year the lectures will be formed upon a more extended scale and partake more of a practical character, while clinical lectures will from time to time be delivered to you upon such cases of interest as you may meet with in the hospitals. Principal Bramley will then assist me with the benefit of his extensive experience in illustrating the practical part of the subject.

Ere you enter upon the branch of study now before you, let me warn you that attendance upon lectures, however assiduous, or the most attentive perusal of medical works, will never make you skilful physicians while you confine yourselves to them alone.

There is but one school wherein you can hope to succeed in your studies to any great purpose. In the school of experience. It is only at the bed side of the sick, by observing closely the symptoms and progress of disease, watching the effect of remedies, and,—should the termination of the malady prove a fatal one, and the death of your patient afford you an opportunity to inspect the body,—carefully noting the changes which have taken place in the various organs: it is only by these means that you can hope to render yourselves worthy and useful members of the profession you have chosen.

The character of disease alters so completely under various circumstances, that we can scarcely hope to find the same complaint exactly alike in any two individuals. It requires the study and experience of years to form a skilful medical practitioner. Up to the latest hour of your lives you will find that you have yet much to learn, and each day will bring with it a lesson of more or less consequence. Do not on this account however undervalue the instruction conveyed to you in lectures and books. Whilst you studiously avoid a servile adherence to any peculiar doctrines, merely because they carry with them the weight of a great name, do not flatter yourselves that you are above instruction, or that your own labor and ingenuity, however great, can entitle you to despise the performance of others. As beginners this is more especially applicable to you. Until you have made yourselves masters of the rationale of disease and the principles of treatment, your visits to the sick will be a complete waste of time. Let me beg of you, therefore, to peruse with care the admirable medical works with which our library abounds and to pay close attention to the lectures you may have an opportunity of hearing.

By following the plan of study which will be marked out for you, you will, I trust, find yourselves insensibly acquiring an intimate knowledge of your profession, a knowledge which will never desert you in the time of need,—the great advantages of which you will daily experience when you go forth into the world to practise for yourselves. If on the other hand you neglect those opportunities—opportunities never again to be recalled, you will soon have cause deeply to lament your idleness. No situation is more pityable than that of the medical practitioner, who finds himself at the bed side of a patient affected with some dangerous malady, while conscious of his own ignorance and utterly at a loss to determine upon what plan of treatment to pursue, he beholds the unfortunate

victim of his incapacity hourly growing worse and gradually sinking to the grave from which he has no power to rescue him—unless indeed some lucky chance occurs, which this ignoramus has the degradation to know is the effect of some unforeseen good fortune, and can in no wise be attributed to his skillful management.

How different are the sensations of the studeous and skilful practitioner under the same circumstance. He is confident that as far as human art will permit, he is capable of assisting to the uttermost the suffering individual before him. He has no legitimate source of regret for ill-spent time; no stings of conscience to upbraid him that the fatal result is owing to his ignorance or inattention. He has done all that lies in his power; he has performed his duty and is satisfied. He feels on the other hand a proportionate degree of satisfaction if his efforts are crowned with success. If the termination of the case be favorable, the knowledge that his power and well-directed skill have contributed to produce it, amply reward him for the labor he has expended in acquiring the requisite knowledge of his profession. Let me hope that you will take part with the latter, and that you will strive to emulate his course. Let me repeat that the science of medicine is one of the most interesting studies to pursue, one of the noblest arts to practise to which an intelligent and well-educated man can possibly devote himself. The physician wields a power which is capable of affording the purest happiness, the most valued of all blessings to his fellow creatures. By the skilful exercise of his art, he saves mankind from torture, misery and death. He restores peace to the wretched, he administers consolation to the unhappy—he gives life to the dying. By the timely interposition of his aid he is enabled to rescue from the fangs of disease, from the jaws of death, the most valuable members of society, the benefactors of the human race, the great—the learned—the virtuous; and in the humbler walks of private life, his labors are equally valuable. While he affords to the suffering individual himself corporeal ease and mental tranquillity, by restoring to the bosom of an afflicted family some loved member of their circle, the support of their existence, or the joy of their hearts, who is about to be snatched from them by some terrible disease, what happiness does he confer! What frightful misery does he remove!

The practice of our profession, gentlemen, may occasionally be embittered with disappointment and annoyance,—and where shall we find one that is not; but these drawbacks are more than counter-balanced by the unalloyed satisfaction, the unspeakable pleasure which such deeds as these produce.

# THE AFFAIRS OF OUDE

MINUTE OF LORD WILLIAM BENTINCK,

DATED 30TH JULY, 1831.

During the last thirty years, the earnest endeavours of the Supreme Government have been unceasingly exerted to induce the Rulers of Oude to reform the administration of that misgoverned and oppressed country. It is unnecessary to say that these endeavours have been uniformly and entirely unavailing; and it may not be too much to add, that, as long as it shall be held to be inconsistent with a rigid adherence to existing treaties to push our interference beyond the limits of friendly counsel, or of measures of a merely negative character, the task, for the present at least, must be utterly hopeless. Indeed, it may be asked, what better prospect does the future hold out, when the experiment has been under trial during the reigns of three successive Princes of entirely different characters, and has been accompanied with the same results and the same failure?

As this state of misgovernment continues to prevail in a greater and more aggravated degree than in any former period, as will be presently shewn, it becomes necessary to consider whether, under all the circumstances of our position in relation to the state of Oude, any justification is to be found, either in the letter or the spirit of our engagements, for the forbearance to apply a remedy to evils which by no possibility could have existed for so long a period, and to such an extent, except under the safeguard of our protection and power. It is true that the honorable and much more able persons who have preceded me in the government, with the concurrence also of their council, have deemed themselves forbidden, by a strict interpretation of existing treaties, forcibly to compel the fulfilment of that stipulation by which the Vizier and his successors have bound themselves to introduce "such as system of administration as should be conducive to the prosperity of his subjects, and calculated to secure the lives and properties of the inhabitants, as well as to act according to the advice of the Supreme Government." If I presume to differ from these high authorities, and to recommend a course of decided and peremptory interposition, as more consonant to the high obligations imposed upon us, it is right that I should disclaim all idea or desire of promoting any separate British interest at the expense of the dignity and comfort of the reigning Sovereign of Oude. The policy, on the contrary, which I think ought to be pursued to all the dependent chiefs subject to our paramount power, is mainly an abstinence from interference; a forbearance from all display of our real power, except in extreme cases, where the peace of neighbouring states may be disturbed from the effects of anarchy and disorder which the ruler may be unable or unwilling to suppress, or where a system of internal administration prevails marked by such extraordinary cruelty and oppression as to call down universal reprobation. But these sentiments will be further explained in considering the decision of former governments upon the same question.

I shall now record a memoir submitted to me by the Resident at Lucknow, on my march to the Upper Provinces, in which is depicted the actual state of that country.

Referring to the misrule that had prevailed during the life of the preceding sovereign, the Resident observes, "but with the present reign the administration has become still more vicious; the country has been going to ruin; and, from want of order, arrangement, or stability in the government, oppression and anarchy universally prevail; the people have in consequence no faith or reliance in their government, and constant desertion is going on from the capital and the rest of the kingdom." "No revenue system on equitable principles can be ever effected by the unaided effort of the Oude Government: constant oppression, and the habitual breach of all contracts, have so completely destroyed their con-



confidence in their rulers, that they cannot be expected to trust them again; while, as they themselves declare, they would agree to pay much higher rents than at present, if they were assured that the contracts made with them would not be infringed. A minister of Oude knows, with the disadvantages he labours under from this feeling of distrust and insecurity, that, however honest he may personally be, it is impossible for him to prevent those employed in the collection of the revenues under him from following the rack-renting oppressive system which can alone render their appointments profitable to themselves, or enable them to meet the probable exactions to which they may themselves be subjected. During the late cold season hardly a day elapsed that he could not hear at Lucknow the fire of artillery at places which the King's troops were besieging, or in engagements between them and the zemindars. Now again that the season for operations has arrived we have hostilities carrying on in the immediate vicinity of the capital." "The inefficiency of the police was never so glaring as at present." "The capital and its environs are the scenes of nightly robberies and murders, and the roads in the vicinity are so beset by thieves and desperate characters that no one thinks of passing by day or night without protection." "The military force maintained by the King of Oude is preposterously large, and a considerable portion of it, exceeding in number 40,000 men with guns, is scattered over the country to strengthen the hands of the local officers, and to secure the collection of the revenue, yet they are not found sufficient for the duty they have to perform."

These extracts will suffice to show the disorder prevailing in every department of the administration of the country. Being aware of the indisposition of the Resident towards the minister of the King of Oude, and of the inclination which he had shown to receive too easily every complaint and representation that his numerous enemies would eagerly pour into the ear of a hostile British functionary, I thought it possible that this memoir and report might have received a somewhat exaggerated coloring from the prejudiced feelings under which it was written; but all the British officers, both those in civil situations at Cawnpore as well as those belonging to the regiments cantoned in different parts of Oude, gave complete confirmation to the statement. The desolate and deserted state of one of the finest portions of Oude, and I may say of India, in respect to fertility of soil and goodness of climate, through which, during several days, I myself marched from Lucknow to Rohilkund, afforded a melancholy proof of the oppression occasioned by the farming system. Our own collectors and magistrates in the district contiguous to the Oude frontier have made such frequent reports of the incursions of plunderers and decoits that we have been forced to entertain additional bodies of horse to preserve tranquility, and have required the King of Oude to defray the expense. Indeed, in the conference I had with the King and his Minister, the existence of these disorders was not denied; but it is but fair to say that this admission might not have been so readily made if the Minister had not been desirous of heaping as much blame as possible upon the administration of his predecessors in office, one of whom, Moatumud Dowlah, was his great rival. He might not have been unwilling to exhibit, to their utmost extent, the difficulties he had to encounter, by way of excusing his future failure, or enhancing his future success.

In his memoir the object of the Resident is to show that it is to the suspension of that rigid interference and control over the affairs of Oude which was stipulated for in the treaty of 1801, made by Lord Wellesley, that all this mismanagement is to be attributed; and from no other measure short of the actual assumption of the government, either directly in the substitution of our own authority, or indirectly in the nomination of a Minister, who, was formerly at Hyderabad, shall be solely dependent upon the government, and the agent in fact of the Resident, that any change can be expected. The consideration of subsequent measures will be hereafter examined. It will be necessary previously to review the causes assigned by the Resident for this long continued failure; and with respect to the failure he argues, and in my opinion justly argues, that the same effect must continue as long as our guarantee is allowed to neutralize all those principles of self-correction existing in every other independent state. If, while we secure the sovereign from all insurrection and aggression from his subjects, however great be his tyranny and oppression, and withhold at the same time the only remaining remedy in the efficacious interposition of our own power, the case of the Oude people is desperate indeed. Is it possible that construction of our obligations can be right which makes our protection instrumental to evil alone, and to evil of such enormous magnitude?

From the character of the King—the main source of all hopes and fears in a despotic state—nothing good is to be expected. Mr. Maddeek says of him, and I believe with perfect truth, "His present Majesty was bred up among women, and all his ideas are effeminate; he has no sound talents, and less habitude for business, and the government of his country must devolve upon other hands; but he is extravagant and wasteful in his expenses, and will never be satisfied with any administration that attempts to limit his income." Upon the records are certainly to be found reports from the former resident of acts of great

cruelty and revenge committed under His Majesty's orders, but when at Lucknow I was not satisfied that depravity of this nature could be justly charged to him. Of his extreme weakness there can be no doubt; he must ever be a cipher as to the important duties belonging to a sovereign. He must always be a tool in the hands of those who have possession of his mind, and this influence has hitherto been gained by the vilest subserviency to all his bad passions.

The Minister is described by the Resident as being "in his heart more decidedly inimical to us than could possibly be expected in a person who has so long enjoyed the benefits of our protection, and who owes, if not his existence, the preservation of an immense fortune which he amassed in this country, to the asylum which has been afforded to him in the British Territory."

Honestly, no doubt, entertaining this conviction, the Resident, without any authority from the government, showed himself extremely adverse to the Hukeem's elevation, and, deeply prejudiced, thought he saw in every act and measure of the Minister a systematic design to oppose the wishes of the British Government; and in one instance, indeed, the removal of the ex-minister, he indulged the extravagant belief that the Hukeem entertained the idea of resisting by military force the execution of this order of the Supreme authority. I believe in no such hostility on the part of the Minister. He is indisputably one of the ablest men in India, and is not surpassed by any other individual, whether European or native, as a revenue administrator. He saw from the beginning that nothing would satisfy the Resident but the becoming, to use his own words, the King of Oude, and to this inferior position it suited neither his ambition nor his interests to submit. My hope has always been and is, that, able as he certainly is beyond all other men to reform the administration, so cordially assisted by a Resident, whose advice, however firm and decided, shall never be wanting in conciliation and respect, he will be equally willing to accomplish this great object; and it must always be moreover recollected, that to a remedy to all the political evils of the state, he has the additional and more difficult task of governing an imbecile, childish, and capricious monarch.

Speaking of the effects of our guarantee, the resident makes these very judicious remarks:—"If the people were assured that the king would receive no military aid from us, the probability is that his own attempts to coerce his subjects would be defied and every where resisted." The very arrears into which the army and other establishments had in the meantime fallen would, under ordinary circumstances, in any government, have brought about a revolution or a change of system; and here also the sovereign of Oude is by his connexion with us placed in a different situation from that of other princes, for it cannot be imagined that an army of 60,000 men would have quietly submitted to remain, some a year, some two years and upwards, without pay, but from a fear that we should protect the king against any serious and general mutiny of the troops to enforce payment of their arrears. The most powerful aumils, from the same feeling, evince a degree of subordination and obedience to the government, even to the relinquishment of the offices and the almost certain consequences, loss of liberty, honor, and property, which could not be expected from them if they had no other fear but that of their own government. If the state of Oude had no right to our protection, these officers would resist its power with every prospect of success; and not only could not the government pursue its present system of misrule without the understood sanction of our government, it would shortly crumble to pieces, and the aumils or the leaders of the army, would portion "out the kingdom among themselves. The alliance with us alone enable it to exist, and to pursue a system decidedly detrimental to the prosperity of its subjects." "Yet hitherto we have discharged no one of our duties, and while maintaining and augmenting the power and dignity of the prince, and securing him from all aggression, we have neglected the claims of the people, and have been instrumental to rivetting the chains by which they are kept down and prevented from asserting their own rights, and securing by resistance a better government for themselves."

Such are, such have been, and ever will be the evils as long as the system of double government prevailing in Oude continues to be administered upon the present principle; the story of to-day is the exact counterpart of that of thirty years ago. In 1799, Sir Thomas Munro, that able and long-sighted politician, in a letter to the Governor-General, strongly objecting (and how just have his objections proved) to the establishment of the Rajah of Mysore, to whose family no attachment remained on the part of the natives, "for it has been long despised and forgotten," and urging in preference the partition of Tippecoo's dominions between the Company, and the Nizam, observes, "There is, perhaps, none of them (natives) who would not prefer a strong government like that of the Company, to one like that of the Rajah, which must necessarily be composed of different interests, must be weakened and perplexed by intrigue, and must carry with itself, like the double governments of Oude and Tanjore, the destruction of the resources of the country."

I cannot refrain from introducing the opinion of the same great man upon the effect of a subsidiary force, or in other words, of our interference to protect the sovereign, and of our non-interference to protect the people. It is peculiarly applicable to the present case of Oude, while the existing state of Mysore fulfils to the very letter the prediction of the future consequences of the Rajah's administration. This letter was written to the Governor-General in 1817. "There are many weighty objections to the employment of a subsidiary force; it has a natural tendency to render the government of every country in which it exists weak and oppressive, to extinguish all honourable spirit among the higher classes of society, and to degrade and impoverish the whole people. The usual remedy for a bad government in India is a quiet revolution in the palace or a violent one by rebellion, or by foreign conquests; but the presence of a British force cuts off every chance of remedy, by supporting the prince on the throne against every foreign and domestic enemy. It renders him indolent, by teaching him to trust to strangers for his security; and cruel and avaricious, by showing him that he has nothing to fear from the hatred of his subjects. Wherever the subsidiary system is introduced, unless the reigning prince be a man of great abilities the country will soon bear the marks of it, in decaying villages and decreasing population. This has long been observed in the dominions of the Poishwa and the Nizam, and is now beginning to be seen in Mysore. The talents of Purneah, while he acted as dewan, saved that country from the usual effects of that system, but the Rajah is likely to let them have their full operation. He is indolent and prodigal, and has already besides his current revenue, dissipated about sixty lakhs of pagodas of the treasure laid up by the late dewan. He is mean, artful, revengeful and cruel; he does not take away life, but he inflicts the most disgraceful and cruel punishments on men of every rank, at a distance from his capital, where he thinks it will remain unknown to Europeans; and though young, he is already detested by his subjects."

Although Lord Wellesley did not unfortunately adopt the opinion of Sir Thomas Munro, as expressed in his letter of June 1799, respecting the partition of Mysore, he at least endeavoured to provide against the mischiefs of the double government. In his letter to the Honourable Court, dated the 3d of August 1799, he observes, "With this view I have undertaken the protection of his country, in consideration of an annual subsidy of seven lakhs of star pagodas; but recollecting the inconvenience and embarrassments which have arisen to all parties concerned under the double government and conflicting authorities unfortunately established in Oude, the Carnatic, and Tanjore, I resolved to restore to the Company the most extensive and indisputable powers of interposition in the internal affairs of Mysore, as well as an unlimited right of assuming the direct management of the country," &c.

Two years subsequently, in 1801, the Marquess Wellesley proceeded to reform the abuses in the administration of Oude, the description of which, as given in his lordship's letter to the Vizier, dated the 5th of April, will be found to correspond in every particular, with what contained in the report of the present resident at Lucknow. "I now declare to your Excellency, in the most explicit terms, that I consider it to be my positive duty to resort to any extremity rather than to suffer the progress of that ruin to which the interests of your Excellency and the Honorable Company are exposed by the continual operation of the evils and abuses actually existing in the civil and military administration of the province of Oude;" and it is added, "But I must recall to your Excellency's recollection the fact, which you have so emphatically acknowledged upon former occasions, that the principal source of all your difficulties is to be found in the state of the country. I have repeatedly represented to your Excellency the effects of the ruinous expedient of anticipating the collections; the destructive practice of realizing them by force of arms; the annual diminution of the juma of the country; the precarious tenure by which the aumils and farmers hold their possessions; the misery of the lower classes of the people, absolutely excluded from the protection of the government; and the utter insecurity of life and property throughout the province of Oude."

And in a letter to the Resident, dated 27th May, 1801, it is declared, "His Lordship cannot permit the Vizier to maintain an independent power with a considerable force within the territories remaining in His Excellency's possession."

With reference to all these evils the Governor-General declared his conviction that no effectual security could be provided against the ruin of the province of Oude, until the exclusive management of the civil and military government of that country should be transferred to the Company, under suitable provisions for the maintenance of his Excellency and his family. Such was His Lordship's view of the only remedy that could effect any improvement; but the Vizier making the most determined opposition to the plan, His Lordship was compelled to relinquish it, but substituted what he probably considered as the tantamount to it in effect, — the stipulation, "That while the British Government guaranteed to the Vizier, his heirs and successors, the possession of the territories which will remain

to His Excellency after the territorial session, together with the exercise of his and their authority" [the force of the latter expression I do not exactly understand] "within the said dominions, his Excellency on the other hand engages to establish such a system of administration, &c., and will always advise with, and act in conformity to, the counsel of the officers of the Honorable Company."

The historian, Mr. Mills, justly enough remarks, "No dominion can be more complete than that which provides for a perpetual conformity to one's counsel, that is, one's will." I have not the means of referring to Lord Wellesley's despatches, to know precisely in what relation His Lordship intended that the Vizier and the Resident should stand for the future to each other, but the inference is clear, that the whole power of the state was to be transferred to the Resident, the nominal sovereignty only being left with the Vizier.

An opinion of Sir Thomas Munro's, written in 1817 upon this kind of arrangement, is worthy of being transcribed. "A subsidiary force would be a most useful establishment, if it could be directed to the support of our ascendancy, without nourishing all the vices of a bad government; but this seems to be almost impossible. The only way in which this object has ever in any degree been attained is by the appointment of a Dewan; this measure is no doubt liable to numerous objections, but still it is the only one by which amends can be made to the people of the country for the miseries brought upon them by the subsidiary force, in giving stability to a vicious government. The great difficulty [Sir Thomas would better have said the impossibility] is to prevent the Prince from counteracting the Dewan, and the Resident from meddling too much; but when this is avoided, the Dewan may be made a most useful instrument of government."

During the remainder of Lord Wellesley's government, it does not appear that much progress was made in the work of improvement. I perceive that in 1802, plans were brought forward for a better judicial administration and revenue system, but the Governor-General's attention being drawn to the more important subjects of a war with Scindiah and the Maharattas, and not wholly unoccupied, perhaps, with the discussions of England upon his various political measures, all minor questions seemed to have been overlooked. It may, however, be right to remark, that in November, 1803, the home authorities declared their entire approbation of the late transactions with the Vizier; "the stipulation of the treaty being calculated to improve and secure the interests of the Vizier as well as those of the Company, and to provide more effectually hereafter for the good government of Oude, and consequently for the happiness of its inhabitants."

It is impossible to suppose, that it could be any part of the comprehensive and decisive policy of the Marquess Wellesley, or of the home authorities, to allow one of the principal parts of this treaty to remain a dead letter; that they merely cared for the pecuniary benefit which they derived; and that for the rest,—"the good government of Oude and the happiness of the inhabitants,"—these were nothing more than professions of philanthropy introduced to give a kind and beneficent colouring to transactions that might be characterized as unjust and oppressive. I entertain, however, that high opinion of the Noble Lord's decision and firmness as to be perfectly satisfied that, had he remained in India, the government of Oude would not have remained for twenty-eight years the curse of its own people and the disgrace of the British councils.

But to those of Lord Wellesley succeeded other policy and other measures; the renunciation of conquests, the abandonment of influence and power, the maintenance of a system strictly neutral, defensive, non-interfering, pacific, according to the full spirit of that enactment declaring that "to pursue" schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour, and the policy of the nation." The impossibility of adhering to this beautiful theory was soon manifested, even in the government of Lord Minto, than whom there could not be a man more desirous of acting up to the letter of his instructions, or less disposed to entertain projects of ambition or aggrandizement. Subsequent events have all shown that, however moderate our views, however contented we may be with our commanding position, however determined not to extend our limits, it has been utterly out of our power to stand still; such have been the restless, plundering habits which belong to this great Indian society, such its very natural jealousy and apprehension of our power, and such its disregard of all rules and maxims of common prudence or safe conduct, that, after a series of unprovoked aggressions, Lord Hastings at last, in 1817, brought to a completion that system of policy which the great genius and foresight of Lord Wellesley had originally planned, and would have probably accomplished five and twenty years before, had he remained in India. Lord Hastings thus established the pre-eminence of our power, and a new era of civilization, happiness, and of blessing to this great Indian world, to be effected by British hands; but blots remain on this fair surface, and one of the greatest is Oude, and this I hope may still be washed out, to the ultimate advantage of both the rulers and the people.

I shall pursue, with as much brevity as possible, the history of our negotiations with Oude, for the reformation of its administration; and this result will clearly appear, that, in proportion as we have receded from the vigorous line of policy laid down in Lord Wellesley's treaty, so as the misrule of Oude became greater and greater; while during all this time we have been admitting that this impunity to commit every species of extortion and oppression has been solely suffered to exist in consequence of our support.

During the four first years of Lord Minto's administration nothing could be more active, and unceasing than his endeavours on this question of reform, and the task could not have been confided to abler hands than to those of the resident at Lucknow at that period; but in 1811 the Governor-General having met with nothing but opposition from the Vizier, and being satisfied of the impracticability of obtaining his concurrence except by measures of absolute compulsion, finally relinquished all further effort; his Lordship did not even feel himself justified to adopt that negative measure recommended to him by the resident, and disapproved the threat of it which had been held out by the latter to the Vizier; viz., "of refusing hereafter the aid of the British troops in the suppression of the disorders in Oude, although occasioned by the oppressions or misconduct of the Vizier's officers."

The dispatch from the Secretary to Government to the Resident dated the 6th of July 1811, communicating this resolution, contains a very able *expose* of the law and principles by which the interpretation of the treaty should be regulated, according to which, in his Lordship's opinion, we were not authorized, even if the stipulations might have been violated, unless indeed the Vizier had placed himself in the condition of a public enemy, to enforce them by an exercise of our power. I need not state in further detail a train of reasoning so well known to those by whom this question will have to be decided, and in accordance with which the home authorities appear in a great measure to have acted:

The subject, however, of reform was not abandoned by Lord Minto. On the 2d of July, 1813, a letter was addressed by his lordship to the Vizier, in which expostulation is expressed in the strongest terms upon the neglect shown by the Vizier to all the representations made to him upon the state of his country, and in which are described, also, the obligations imposed by the treaty of 1801 upon the two Governments; but then, as now, these remonstrances consisting of vain and empty words, and followed by no ulterior measures, the stipulations of the treaty and the voice of the British Government were and always have been held at nought. It is impossible to have stated these stipulations and obligations more strongly than his Lordship did in the following, passages:—"But it is necessary to draw your attention to those questions upon which your Excellency has continued to withhold your consent to the just and reasonable demands and expectations urged by the British Government, under the clear and unequivocal sanction of existing treaties and engagements. The most prominent of these, in point of interest and general importance, is the reform of your Excellency's administration, &c. It can hardly be necessary to recal to your Excellency's recollection the tenor of my letter of the 28th December, 1810 (five years before) in which the right of this government to propose to your Excellency the introduction of a reform, and the obligation imposed upon you by treaty to adopt that advice, were proved beyond the reach of contradiction." "Entertaining the most deliberate conviction of the advantage, nay necessity, of the proposed reform of the right possessed by this government to urge your Excellency to introduce it, and of the obligation which the treaty imposes upon you to attend to the advice and opinion of the British Government in carrying into effect that salutary arrangement, the British Government would have been entitled, and was perhaps required, to insist upon your Excellency proceeding without delay to carry it into effect; and the letter concludes with these words: "but while your Excellency shall persist in disregarding that advice, and resisting those demands, in matters deemed essential to the welfare of your Government and the welfare of your subjects, and in your compliance with which the British Government is entitled and required to insist, your Excellency must not expect that the British Government, by whatever hands administered, will shrink from the performance of its duty, however painful it may be to discharge it."

Lord Hastings succeeded to the Supreme Government in October, 1813. The measure of reform continued to be urged on the Vizier, but with the same unavailing success. In the letter to the Resident dated 25th of March, 1814, the Governor-General laments the perverse and unenlightened policy which induces the Vizier to reject that system of administration recommended to his adoption by the British Government; but it does not appear to your Excellency in council, that, under a just and fair construction of the "obligations of the alliance, we are entitled to proceed to the only measure of a compulsive nature which was ever suggested, namely, a renewed and direct demand, founded on the stipulations of the treaty, accompanied by a menace of withholding the aid of the British troops in support of his Excellency's authority in case of refusal." Lord Hastings then expresses his concurrence in the arguments of Lord Minto upon a like

occasion, in 1811, and adds, "the conclusion appears to the Governor-General in Council to be inevitable, namely, that the specific plan of reform proposed to the Vizier by Lord Minto must be relinquished, or insisted on as the alternative of a resumption on our part which would amount to a dissolution of the existing regulations between the two states."

The Vizier Saadut Alee died on the 11th of July 1814.

His successor, soon after his accession, promised to comply with the so often repeated advice of the Supreme Government; but at no very great distance of time the hopes held out proved entirely delusive; and though, during the reign of that monarch, as well as of his present Majesty, the same remonstrances and demands have been continually renewed, not the slightest improvement has taken place in any branch of the administration.

Lord Hastings visited Lucknow in 1815. The war with Nepaul and the Mahrattas was then going on, and very serious embarrassment was experienced in raising the funds to meet the heavy demands of military operations. Recourse was had to loans from our different allies; and after much reluctance on his part, two crores were advanced by the Vizier, in the hope, no doubt, of purchasing an exemption from all further importunity upon the subject of reform. After an act of such substantial service it would have been indeed difficult, and most ungracious at any rate, to have persevered in pressing a measure to which so much repugnance had been shown. I may, perhaps, be permitted in this place to remark, that to these loans from dependent states, or, as they might be more justly described, unwilling contributions, extorted by fear of our power, there is, in my judgment, the greatest objection, in the destruction of confidence which they necessarily occasion. When twenty lacs were borrowed from the Rajah of Puttaala, which that chief, as I learned from the late agent, never expected to be re-paid, Runjeet Sing laughed, and asked if this was the gratuitous protection that he and the other Sikh chiefs had obtained at the hands of the British Government. Nothing has given me greater satisfaction than the opportunity afforded by the state of our finances and credit to discharge this political loans, and thus to rescue from all doubt our honour, our promise, and our exact performance of our engagements. In the particular case of Oude it was to be regretted that for the sake of a pecuniary advantage to ourselves we should have weakened the right so often urged of insisting upon the cessation of the tyrannical and oppressive system prevailing in the Oude dominions.

It is necessary that I should conclude this narrative of the various proceedings and transactions, together with the line of policy pursued by preceding governments, with the latest opinions of the Honorable Court respecting the state of Oude.

I have already said that the Honorable Court entirely approved of the principles upon which both Lords Minto and Hastings considered themselves precluded from interfering authoritatively upon the subject of reform; and down to the present moment no sanction has been given to any measures of compulsion to attain this object.

But in the latter despatches of the Court, while, as is most just and becoming, the strongest reluctance is expressed to intrench in the smallest degree on the independence of the King of Oude, to interfere with his internal administration, or to commit any act which should have the semblance of taking advantage of his weakness, yet the utmost anxiety is expressed to put an end to this state of things, and a doubt escapes whether the principle so long acted upon had not failed.

In a despatch from the Court to Bengal, dated the 28th of November, 1821, in remarking an apparent contradiction in the policy observed by Lord Hastings towards the King of Oude and the Nizam, they state, in reference to the former system of forbearance and non-interference, "but adverting to the frequent instances reported by the resident at Lucknow, of Company's troops employed in coercing the Vizier's refractory zemindars, &c., we cannot but doubt whether the Governor-General's other object has been obtained, namely, that by allowing freedom of action to the legitimate power of the state, our ally might be taught to manage his territories with benefit to his people, and with an exoneration of the British Government from the odium which attach to it as the source of the existing evils."

In their despatch, dated 9th November, 1825, the Court observe (paragraph 153), "the correspondence before us presents a truly deplorable picture of the condition of the territories under the government of the King of Oude, and gives us strong reason to apprehend that the services of our troops have been too frequently employed, not to suppress disorder, but to perpetuate it, by supporting oppression."

The Court here ascribe the mischief to the employment heretofore of British troops in the collection of the revenue, and in the destruction of the forts, the consequences of which were our direct support of the aumils in every species of extortion, and all successful resist-

ance for oppression was necessarily prevented. The Court specify a strong act of individual injustice committed under our protection, and notice the plunder and rapine which our own provinces were suffering from the hands of armed followers who took refuge within our frontiers. The Court remark upon the extreme difficulty in defining the line between the cases of extortion on the one hand and contumacy on the other, by which the employment of our troops should be regulated. To escape from this dilemma two measures only present themselves, either to withdraw altogether from the connexion with Oude, from which it is stated, "we are debarred by the provisions of the existing treaty," or to bring about a reform in the administration.

The latter measure the Court urged the Supreme Government to use every means of persuasion to engage the King of Oude to adopt; but they at the same time discountenanced any more decided course of proceeding which a passage in some instructions sent to the Resident, Mr. Ricketts, seemed to indicate. An ulterior course of proceeding was adverted to in case the King of Oude should fail to act up to his professions, and combining this expression with the desire to prevail upon the King to allow the employment of British officers in the revenue administration, the Court observe; "It has occurred to us as possible that you may have contemplated the authoritative interposition of the agency as the ulterior course to be resorted to in the case supposed." They then say, that this would not be in accordance with the treaty, which stipulates that the reform shall be carried into effect by the King's own officers; and they conclude: "rather, however, than incur the hazard and odium of a rupture with the King of Oude, we should greatly prefer your acquiescing in his propositions, however defective, and trust to the zeal of the agent to point out any evils apparent in the practical application of the King's plan."

In the despatch of the Court, dated the 1st of October, 1828, the disorganized state of Oude, and the deep responsibility incurred by the British government in consequence of such sanctioned misrule, are again most strongly and truly stated: "You have been apprized in a former communication of the deep impression which had been made upon our minds by what we had learned from your correspondence, and from your proceedings with respect to the misgovernment and disorganized condition of the Oude territory, and the conviction we entertained of the necessity of a thorough reform in the administration of that country. On this subject it is scarcely necessary to assure you that our opinion continues unchanged. That the agency of British troops should be the means by which the zemindars and malgoozars, who are unable or unwilling to satisfy the undue demands of King's aumils for revenue, should be subjugated by force, disabled from future resistance by the demolition of their forts, subjected to all manner of extortion and oppression, and, finally in too many instances, expelled from their possessions, and driven by desperation to betake themselves to a predatory life, is a state of things so unworthy of the character of your government, and so discreditable to the British name, that there are few sacrifices which we should not be willing to make rather than it should continue." Again, in paragraph 15: "We should delude ourselves were we to suppose that for the state of things thus depicted the British Government is in no degree responsible, or that any one is more nearly concerned than that government in its being promptly and efficaciously remedied. Had it not been for our connexion with Oude, although misrule might have attained as great a height, it could not have been of equal duration. The subversion of the government by which it was produced or tolerated, and the substitution of a more vigorous and probably more moderate rule, would have been the speedy result. If the British Government which, by a systematic suppression of all attempts at resistance, has prolonged to the present time a state of disorganization which can no where attain pre-eminence, except where the short-sightedness and rapacity of a semi-barbarous government is armed with the military strength of a civilized one."

The conclusion from these well-established and consequent obligations is this (paragraph 15): "It is therefore incumbent upon the British Government, not only to abstain from any further co-operation with the revenue agents of the King of Oude while the present system shall continue, but to use its most earnest endeavours for remedying the evils which its co-operation has already occasioned; and if as appears too probable, there be no hope of introducing any substantial improvement with the voluntary consent of the King of Oude, it behoves us next to consider what means we possess, consistently with treaties, of obtaining that compliance from his necessities which he has refused to your friendly advice and remonstrance."

The measure of which the Honorable Court consider the treaty to justify the adoption is a refusal of the British force either to suppress the rebellion of the people or to enforce the realisation of the revenues. Unfortunately, the army of 40,000 men, maintained by the King of Oude, has superseded the necessity of recourse being had to our assistance. This measure, therefore, is wholly nugatory.

There is indeed another measure short of compulsion, and partaking of the same negative character—the withdrawal of our Resident and troops, which is, however, as would not be his intention, of the treaty upon as great as any political measure of our power, while the consequences of civil war to the unhappy country would be the victims of the protection of their misguided government, as well as to the British provinces, would make our conduct decidedly criminal! But even under the narrow interpretation with which the delicacy of Lord Hastings guarded our right of intervention, an exception was allowed by his lordship, at all events “interference in cases, which of necessity belongs to a protecting power relatively to the state protected.” Now, if the picture given in the Court’s dispatch of 1820 is true; if the actual state of Oude, as described in the memoir of the Resident, written in November last, is not exaggerated; if, on the contrary, it is confirmed, as I can vouch by the concurrent testimony of every native of Oude, and of every British officer in Oude, and in the still more damning proof—the desolation and desertion of the country, I ask, is not the extreme case arrived? Much as I admire and revere the two great men, Lords Minto and Hastings, and much as I am desirous of concurring in every principle and sentiment upon which they acted, founded as they always were, and in this instance, in particular, upon feelings of generosity and forbearance towards a dependent sovereign; still this so long continued hesitation to put a stop to evils of which our own protecting power is admitted by those great men themselves to be the source, and the cause, appears to my humble reason to be irreconcilable to humanity, justice, and every obligation of public duty. It seems to have been the inclination of Lord Wellesley’s treaty as an arbitrary measure, and the condition by which the Vizier bound himself not to misgovern and oppress his people as having no validity, and not intended to have any, by the contracting parties. I know not what Lord Wellesley may have said, or may have to say, in his own behalf, upon this point, but we have his recorded opinion that in his time the misrule was so great as to be incurable by any measure short of the assumption of the government; and if his opinion concurred with that of other authority who has written upon this subject, that the British government was responsible for the consequence, I cannot imagine it not to have been his intention to have compelled the Vizier to perform his engagement. Without such intention, why introduce at all into the treaty a most objectionable stipulation of this kind, which, with respect to the Vizier, lowered unnecessarily his dignity and independence in the eyes of the world, and placed the British Government in this awkward dilemma, that, they either must be considered as parties to the Vizier’s bad government, or if opposing his measures, to have it publicly appear that their counsel and authority had been treated with disregard and contempt!

Lord Hastings adverts to the “heavily reluctant assent” which Saadut Alee gave to the cession of a large portion of his territory, in commutation of the pecuniary contribution for our subsidiary force, and of the assurance which he obtained in return of the independent exercise of his authority within his reserved dominions.

It would seem as if it was meant to be said that, availing ourselves of our power, we had taken more money than we ought, therefore, by way of compensation, the Vizier, under the protection of our subsidiary troops, was to be allowed to oppress his subjects as much as he pleased. But this was not the assurance given by Lord Wellesley; he did give it, but with this qualification, that the exercise of his authority, so secured, should not be abused to the injury of his subjects, and to the dishonour of himself and the British Government. But admitting, for the sake of argument, that peculiar consideration and forbearance might be due to Saadut Alee, in return for the sacrifice of territory and of feeling which had been wrung from him; supposing, also, that for the two millions sterling advanced by his successor in a time of great financial difficulty, an equal degree of indulgence might be shown to him; the present incapable sovereign has at any rate no such claim for an unrestrained licence in misrule. My opinion upon this subject entirely accords with one upon a similar question contained in a letter from my worthy colleague when resident at Hyderabad, under date the 31st August 1822: “I suppose our interference in his Highness’s affairs to be not merely a right, but a duty, arising out of our supremacy, which imposes upon us the obligation of maintaining the tranquillity of all countries connected with us, and consequently of protecting the people from oppression, as no less necessary than the guaranteeing of their voters against revolution. The only refuge of a people tolerably vexed is in emigration or insurrection; and as we secure the Nizam’s government against rebellion, it is incumbent upon us to save his subjects from grievous oppression.” Our duty and right of interference would have been the same whether Lord Wellesley’s treaty had been made or not, while the stipulation by which the Vizier bound himself not to oppress his people takes away from him all excuse for his own mismanagement, and all pretence of justifying our interposition.

With such strong conviction that it is the sacred duty of the British Government to put a stop to all acts of oppression and misgovernment in Oude, with an



strong conviction confirmed by the experience of thirty years, that advice, remonstrances and measures merely negative, will avail nothing, and that the arm of power forcibly interposed will alone effect this object, I humbly advise and recommend the sanction of the home authorities may be given for this purpose.

This being my decided opinion, I thought it my duty, at a personal interview which I had with the King of Oude at Lucknow, at which his Minister was present, to represent to his Majesty the state of disorder which I had found to prevail, and the incompatibility of such a state of things with the welfare and prosperity of his dominions, with the order and tranquillity of our contiguous provinces, and with the provisions of the treaty of 1801. I represented the little hope of any improvement that I could be authorized to entertain after the total failure of the advice and remonstrances which had been made so repeatedly to his Majesty, by both my predecessor and myself. It was my duty to state to his Majesty my decided opinion, that the British Government could not permit this state of anarchy to continue, and that misrule had reached that extremity of evil when the British government was bound, both from necessity and duty, to interpose its authority; and that I thought it right to declare to His Majesty beforehand, that the opinion I should offer to the home authorities would be, that unless a decided reform in the administration should take place, there would be no other remedy left except in the direct assumption of the management of the Oude territories by the British Government.

I have the honour to lay before the Board copies of my conversation with the King, and of his written reply.

The grounds of my opinion rest upon the acknowledged excessive misgovernment and oppression existing in the kingdom of Oude, and upon the broad principle, that as the paramount power from which alone these evils have their source and their endurance, we are bound to put an end to them, I consider it unmanly to look for minor facts in justification of this measure; but if I wanted them, the amount of military force kept up by his Majesty is a direct infraction of the treaty. From this force we have nothing at present to fear; but should circumstances, either of internal or external commotion, occupy our troops elsewhere, it is quite evident that very serious inconvenience, and even danger, might be apprehended from this large armed multitude, consisting of the finest men in India, and little controllable by their own Government if the check of our power were removed. It must not be forgotten that the warlike Rohillas, ever ready to join any standard of revolt, are immediately contiguous to the Oude frontier.

It may be asked of me,—And when you have assumed the management, how is it to be conducted, and how long retained? I should answer,—That acting in the character of guardian and trustee, we ought to frame an administration entirely native; an administration so composed as to individuals, and so established upon the best principles, revenue and judicial, as should best serve for immediate improvement, and as a model for future imitation; the only European part of it should be the functionary by whom it should be superintended, and it should only be retained, till a complete reform might be brought about, and a guarantee for its continuance obtained, either in the improved character of the reigning prince, or, if incorrigible, in the substitution of his immediate heir, or, in default of such substitute, from nonage or incapacity, by the nomination of one of the family as regent, the whole of the revenue being paid into the Oude treasury.

Although I have presumed to differ with two of my distinguished predecessors upon the question of right and obligation to force the ruler of Oude to desist from his arbitrary and tyrannical sway, I beg to express my entire concurrence in the description given by Lord Hastings of the conduct and demeanor that ought to be observed by a British Resident towards the King of Oude, and to the chiefs of all dependent states. In proportion as our power is notoriously overwhelming and irresistible, so should the display of it be carefully suppressed, and, if possible, invisible; the utmost delicacy should be used on all occasions of intercourse, whether of ceremony or business, to uphold the rank and dignity of the native prince, and to treat him with the utmost consideration and attention. The errors of our policy in this respect seem to have been two-fold: first, to interfere a great deal too much in all the petty details of the administration, and in the private and personal arrangements of the sovereign, making in fact the Resident more than the King, clothing him with a degree of state equal to that of royalty itself, and allowing him to act the part rather of a school-master and dictator than of the Minister of a friendly power professing to recognize the independence of its ally. The immense extent of jurisdiction exercised by the Resident at Lucknow within the town itself, the actual residence of the sovereign, is totally incompatible with the royal dignity and authority, is often the occasion of much complaint and inconvenience, and is strongly opposed to a considerate and liberal policy.

And secondly, not to interfere with sufficient promptitude and decision, as the paramount power, when the vital interests of both states, the cause of good government and of humanity, imperatively demanded it. It is to the first description of meddling and interference, and the mischiefs of the double Governments, which have been so often described, that I feel so much adverse. If the political agents for the most part were altogether removed, I believe it would be for the comfort of the Sovereign, for the advantage of good government, and for the real interests of both states. This measure is of course not possible where we have our subsidiary forces, and where there are large collections of European Officers, whose conduct it is necessary to control. But in the minor states, in which this measure has been carried into effect, the best consequences appear to me to have accrued. It is impossible that this *imperium in imperio* can ever be successful; it is directly opposed to every feeling and passion of human nature. If the Dewan is the creature of the Resident, the prince, as Sir Thomas Munro observes, will necessarily counteract his own minister. If, on the other hand, as it has frequently happened, the Minister is supported by the Resident, the influence of the latter is immediately courted by the faction in opposition, and his intentions and conduct are, contrary to his own will, often misrepresented for party purposes. Again, it often happens that an administration offensive to the people draws, or pretends to draw, a sanction to its proceedings from the support of the British authority.

I have now stated the only measure which, or the threat of which, will, in my judgment, be effectual in compelling, I may say, any ruler of Oude to govern his country without oppression. It is a sad reflection, that few of these native princes, more especially among the Mussulmans, have that high moral feeling, which should teach them to consider the welfare and happiness of the people as their paramount duty; they have no education; they are surrounded from their infancy by flatterers and self-interested counsellors, who are always exalting their consequence and dignity, and endeavouring to maintain the favour of the prince by administering to all his bad passions. The security afforded by our power removes the only real restraint upon a despot, in his fear of insurrection and of the revenge of his people. But the threatened assumption of the Government brings into action a countervailing power, that will much better supply the place of insurrectionary movement, the immediate consequences of which must be bloodshed, and the final result by no means certain of effecting a remedy. But by a direct assumption the life of the sovereign and the continuance of his dynasty is not endangered, while all the oppressed find immediate redress, the whole community have a better prospect of future prosperity under their own institutions, and the guilty prince himself, and all his successors, will have an example before their eyes of the certain effects of their own misrule; they, as well as all those who surround them always feel the heavy responsibility by which they are surrounded, and will discover that their interest as well as their security is to govern well.

But I am sanguine in hoping, that upon the present occasion this extreme measure may be avoided; and nobody can more ardently desire such a result than I do. I am as anxious as it is possible to be that no abuse of power, to the degradation of our dependent chiefs, should be chargeable to the administration of which I have the honour to form a part. But at the same time I fear not the charge when I know it not to be well-founded, and when, as in this case, my most deliberate opinion and feelings are, that the present state of things, so long allowed to exist in Oude, is equally injurious to the Sovereign and to the people, and is most discreditable to the British paramount power. But I am sanguine in a great present amelioration, from my belief in the capacity and willingness of the present Minister to effect it, and from entire possession he has of the confidence of the King. That part of Oude through which we passed had formerly been under the Minister's management, and though now a desert, the superiority of his management, recognized also by Lord Hastings at the time, has left traces of his enlightened system which are scarcely to be seen in any part of the Company's dominions; and his memory, as I was assured by the officers stationed in that district, was still held in reverence by the ryots. To the charge of hostility to British Government, made against him long ago, and lately repeated, I pay no regard whatever; as are his interest so will be his conduct. It is his interest to govern well, and to receive the support of the British Government, without which he cannot stand. He knows, and I rather think is confident, that unless he does effect a reform he will not have the support. This support is necessary, as well to secure him against the King's former advisers and minions, as to enable him to subdue the great rebellious feudatories in opposition to the Government. The work of reform has hitherto been retarded by untoward circumstances, but I hope the time is at hand when it will make satisfactory progress, under the direction of the talents and experience of the Minister, supported when right, and controlled when wrong, by the friendly counsel of a judicious Resident.

(Signed)

W. C. BENTINCK.

## NOTE OF A CONFERENCE

BETWEEN THE GOVERNOR-GENERAL AND THE KING OF OUDE, AT A PRIVATE INTERVIEW AT THE LUCKNOW RESIDENCY, ON THURSDAY, THE 20<sup>TH</sup> JANUARY, 1831. PRESENT: MR. PRINSEP, MR. MADDOCK AND CAPTAIN BENSON.

After being seated in a retired apartment, the King was asked by the Governor-General whether or not he desired the presence of his Minister Mehdée Allee Khan. The answer being in the affirmative, the Minister was summoned from the anti-chamber.

The Governor-General then, addressing the King, observed, that in seeking the present meeting he had in view, as he concluded his Majesty had been given to understand, to explain his sentiments respecting the administration of Oude. He trusted his Majesty was sensible that the intentions of the Honorable Company towards himself were most friendly, earnestly desiring that he should continue to enjoy his exalted station, and that his true happiness and the prosperity of the people of his dominions should be promoted. For his own part, the Governor-General assured the King that no man could be more solicitous than himself to maintain the honour, independence, and dignity of all the native princes and chiefs subject to the paramount authority of the British Government, and to support the integrity of subsisting engagements; and he could give no stronger proof of his sincerity upon this point, and of his desire to increase rather than diminish their consequence, and to extend their rights, than by the voluntary transfer to the Rajah of Nagpore of two-thirds of his territory, the perpetual administration of which had been vested in the British Government. The character of the prince, and his attention to business, established the security that this confidence could be safely given. How much more interest must the Governor-General feel in his Majesty, to whom he was personally known. It was, therefore, with proportionate and sincere regret he was compelled to declare to the King, that the revenue and judicial administration of his territories was reported to be shamefully defective.

The King here interposing, begged to know if the Governor-General would permit a reply to his observations.

The Governor-General answered that he would be glad to attend to the King's reply when he had finished his communication; and proceeded to remark, that the conduct of the King's revenue officers, was everywhere denounced as oppressive and unjust, their rapacity being exercised with such baneful success as to have brought ruin upon many of his subjects, to have caused the general decline of agriculture, and to have exposed to danger the tranquillity of the country. The Governor-General said he feared the current reports of great mismanagement in both financial and other concerns could not be refuted, for they were confirmed by the complaints of actual sufferers, by the statements of all the Oude dominions, by the condition of the districts he had passed through, and by the fact that in almost every direction might be heard the sound of cannon for the purpose of repressing the insurrection of zemindars, or for enforcing the payment of revenue.

Here the King and the Minister both intimated a wish to offer explanation as the Governor-General might finish each part of his discourse, urging as a reason for such wish the difficulty of recurring with precision at the conclusion of the whole of the several heads of animadversion; or, if it would be acceptable, the Minister suggested that a written answer should be received. This proposal was acceded to.

In continuation the Governor-General said he considered it his duty to impress forcibly upon the King's mind that the British Government could not, with any regard to the engagements contained in the treaty of 1801, to justice or policy, or to its own reputation, longer allow a system of administration which abandoned a whole people to cruelty and extortion, nor could it longer countenance a state of things which might immediately affect the national interest.

The Governor-General then adverted to the numerical strength of the King's troops, stating he had reason to apprehend that the King maintained fifty or sixty thousand men, a much larger military force than the stipulations of the treaty of 1801 sanctioned. By that treaty the head of the Oude Government agreed to retain in his pay only four Battalions of Infantry, 2,000 Cavalry, and 300 Artillery, with such details of Subandees in the Mofussil as the realisation of revenue might require. The Oude territories, the Governor-General observed, being protected from external enemies, were its internal peace preserved by a system of beneficent administration the force fixed by the treaty of 1801 would be ample. He therefore expected the stipulations of the treaty would in this respect be observed: and he pressed the early but gradual reduction of the force on the further grounds of the misma-

nagement of the King's financial concerns, and the consequent irregularity which attended the payment of it.

Here followed a conversation, chiefly maintained by the Minister, with an occasional indication of assent from the King to the correctness of his statements. The Minister remarked, that since entering office, only a few months before, he had discharged the arrears due to the troops, had arranged for regular periodical payments in future, and had already disbanded 8,000 men. The Governor-General's wish for farther reduction should be complied with; but he begged to assure the Governor-General he had received an exaggerated account of the numbers of the King's troops. The Governor-General, at the conclusion of the interview, requested the King to allow the Minister to bring to him on the following day an exact return of the army, the Governor-General expressing his further wish to communicate with the Minister upon the revenue administration generally.

The Governor-General now exhorted the King to introduce into his dominions an improved system of administration in every respect, especially in the revenue department. On the King's promptly engaging so to do, the Governor-General reminded him, that for twenty years or more the British Government had endeavoured, without success, to improve the judicial and revenue management of Oude, and that during that period repeated assurances of amendment had been given, and that he might therefore, without so far derogating from His Majesty's character as to suppose him indifferent to the bringing about the reform recommended, be allowed to distrust hasty promises. However, he entertained hopes, that, under the orders of the King, the Minister, Mehdee Allee Khan, in whose ability and experience he placed great reliance, such an improved system of administration would have effect as should remove many internal causes of irritation, exempt the inhabitants from oppression, be creditable to the King himself, and consistent with the obligations of existing treaties, and the attention due to the wishes of the supreme power. The selection of Mehdee Allee Khan as his Minister had been the whole and sole act of his Majesty, and viewing the ability and qualifications of that individual, the Governor-General considered the selection to be a good one; but the Governor-General urged the King to understand that the entire responsibility of the acts of the Oude Government must rest with his Majesty himself. The Governor-General, therefore, had abstained from interfering in this important measure, and had declined conferring upon the Minister the dress of investiture, according to his Majesty's request.

Mehdee Allee Khan here observed, that his nomination was unsolicited; that he had been summoned to Lucknow with a view to his appointment by the King, and with the sanction of Mr. Maddock. Some conversation which had commenced was terminated by the Governor-General's saying, that it was unnecessary to discuss the manner of the nomination.

The Governor-General, again addressing the King, said, that feeling as he did that the administration of Oude had reached that extremity of evil which imperiously called for interference, he deemed it his duty frankly to communicate to his Majesty the intention of offering to the home authorities his advice, that if disregarding the present representation, his Majesty should still neglect to apply a remedy to the existing disorder and misrule, it would then become the bounden duty of the British Government to assume the direct management of the Oude dominions.

The Minister here spoke confidently, but in general terms, of bringing about a better state of things, attributing the present confusion to the system followed for the last ten or twelve years, when he had no participation in the conduct of affairs. He hoped for the President's countenance.

The Governor-General urged the King seriously to reflect on the examples which the history of former neighbouring states presented. They showed the consequences, as affecting rulers and their families, of regarding with indifference the vices of mal-administration, and the rapacity and oppression of unprincipled officers. On looking round he would perceive that the descendants of those who had persisted in a profligate course of misrule were mere pensioners, divested of power and of consequence. The Moorshedabad and Arcot families were adduced as instances.

The Governor-General assured the King of the perfect reliance he might place in the good faith of the British Government, and of the great repugnance that would be felt in adopting any measure interfering with his rights and privileges; but, as his well-wisher and friend, he could not refrain from placing before his Majesty the very great advantages that would accrue to the paramount authority by the exercise of this right of assumption, and the extreme importance, therefore, of persevering in a course which self-interest as well as justice might equally counsel. Were the British Government disposed to aggrandize itself, the Oude territories, enfolded by its own, possessing a soil, climate, and population not equalled, perhaps, in any other part of India, and the birth-place of a great proportion of

its army, would form a most valuable acquisition; the British frontier districts would no longer be exposed to the excesses that have been so often and so long a subject of complaint, and the great revenues of this fine country be collected without the cost of any additional soldiers to its actual force. But his Majesty well knew that the British Government would listen to no such temptation, in opposition to its engagement; and the Governor-General, in conclusion, urged his Majesty that he would no longer be deceived by the forbearance already manifested towards him, but urgently and seriously following the advice now given, he would immediately introduce a general system of reform in his administration, which, while it conduced to his own honor and advantage, would at once satisfy every demand of the British Government.

The Governor-General said he had concluded his communication. He renewed his assurance of a friendly disposition towards the King on the part of the Government, and of himself promised, that what had passed during this private conference should be transmitted to the King in writing, when an answer might be returned.

(A true copy,)

(Signed)

H. T. PRINSEP,

*Secretary to the Governor-General.*

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## MINUTE BY SIR CHARLES METCALFE.

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POLITICAL DEPARTMENT, SEPTEMBER 17, 1831.

According to the desire expressed by the Right Honorable the Governor-General, I offer my sentiments on the question discussed in his Lordship's Minute, dated the 30th July, regarding the course to be pursued towards the state of Oude.

There is a part of that question which I consider free from any doubt, but there is also a part which seems to me to be involved in considerable difficulty.

I have no doubt that we are bound to prevent the abuse of the protection which we afford to the head of the state.

To give that kind of support to a Prince, which secures him from the natural effects of the indignation of oppressed subjects, without protecting them against tyranny on his part, is not the non-interference which we profess as our system of policy; it is, on the contrary, gross interference in the internal affairs of a foreign state.

As far, therefore, as the presence of our troops in the country, or any other cause, renders us the sustainers of the Oude Government in acts of oppression, it seems clearly incumbent on us to remove the cause; or if that, for any sufficient reason, be impracticable, to prevent or rectify its bad effects.

So far the principle by which the protecting power ought to be guided appears to be indisputable; but when we come to consider the means by which this desirable object is to be accomplished, then begins the difficulty.

For if direct interference in the management of the country be resorted to, it is impossible to foresee to what lengths it may not proceed. Once introduced, most things tend to extension. A little interference will often fail; if it be not efficacious, it may produce more harm than good; to make interference efficacious it must be extended as far as need be. How far that can be no one can tell beforehand. Under a system of active interference on the part of a paramount power what remains to the Prince cannot be called sovereignty. The sovereignty ceases, and the purpose on his part of the alliance is destroyed. Although we must not countenance oppression, that we have any right to set aside the sovereignty of the Prince is at least questionable.

What seems to me to be incumbent on us in the present state of Oude, as described in the Governor-General's Minute, may be comprised under the following heads:—

First, that we are bound not to foster oppression.

Second, that we must alter any arrangements which exist tending to encourage it.

Third, that if we cannot effectually remove the tendency to support oppression which arises out of our connexion with that state, we must either abolish the alliance altogether, or act so as to counteract its effects in that respect.

Fourth, that if we must interfere in the Government of the country we ought to take care to do so efficaciously, as far as regards the object of our interference.

Fifth, that we must, as much as possible, save the sovereignty of the Prince, and endeavour to restore it to him unimpaired whenever we may be able to withdraw from our interference.

With reference to these considerations, I proceed to describe the course which I would recommend to be pursued.

The first experiment ought, I conceive, to be made with the Government as it stands at present.

It consists of a King who takes little or no part in the management of public affairs, and of a Minister who is invested by his master with absolute authority over the whole country.

It is evident that in this state of things every thing depends on the Minister, with this drawback, that he must keep the King in good humour, which may lead to many abuses; but still the Minister is left entire manager of the revenue and police.

The native mode of government is very simple; with sufficient energy on the part of the Minister to maintain a decent police, and while abstaining from extortion himself to make his subordinates refrain also, the country can hardly fail to prosper.

But extortion is the besetting sin of every bad native government; from the Prince and the Minister, down to the lowest functionary, it is the prevalent vice; and unless the head of the government, whether Prince or Minister, be himself devoid of it, he cannot be expected to be able to root it out of others.

As far as I can judge of the power of the present Minister at Lucknow, it seems to me that the reform of the worst of the evils existing under the Oude Government depends on him.

I would propose, therefore, that the Minister should have a fair trial: and that our Resident should be instructed to co-operate with him with cordiality, recommending acts of justice, and especially fairness and moderation in the assessment of the revenue, and remonstrating against acts of oppression and extortion, without meddling for any other purpose in the proceedings of the government.

There is no want of ability on the part of the Minister. Native Ministers in general indeed, do not fail from want of mere ability adapted to the transaction of business. In this respect, and in the knowledge of the people whom they have to govern, they are generally superior to Europeans, necessarily strangers in India; but they want the spirit which would prompt them to abstain from extortion on the principle, and the wisdom which would persuade them to do so from policy.

There is no reason to question either the ability or the energy of the present Minister; but of his public virtue or disinterestedness I have no hope. There could not be a more barefaced or a more shameful act of cupidity than his obtaining recently from his master a deed granting to him and his heirs in perpetuity five per cent. on the revenues of Oude. Fortunately such deeds, under such a native government, are as easily recalled as granted. The mischief, therefore, in this instance, may not be permanent; but the proceeding is a lamentable symptom of the Minister's character. Nevertheless, I should hope that his experience in revenue matters must have taught him that extortion from the cultivators is the ruin of the state, and that therefore he may be disposed on that subject to listen to reason, and practice moderation, or at least abstain from intolerable extortion.

I am on the whole of opinion, that if the Minister has the will he has the power to reform the general administration of the Oude territory, and the failure on his part will proceed from his want of virtue and true wisdom, and not from the want of mere ability.

This experiment with the minister might be tried, pending the reference of the general question to the Honorable Court of Directors, as it would not in any respect violate the rights of the Sovereign of Oude, or induce any degree of interference so great even as has been often exercised under the existing treaty.

If the Minister should do, what I believe him to be fully capable of doing, as far as that depends on ability and knowledge, no future interference on our part would be requisite, and the necessity of any interference, even in the way of advice, soon would cease, as the benefits of moderation and justice would rapidly become manifest to an extent sufficient almost to ensure their continuance on the ground of self-interest.

If, instead of this favourable result, the Minister should remain insensible to the duties of his station, and, being deaf to the advice of the Resident, persist in a course of extortion and misrule, then would come that part of the question on which it appears to me to be embarrassing to decide, on account of the difficulty of limiting interference in the internal affairs of another state when once it has been introduced.

Before having recourse to any system of direct interference, I should be strongly disposed to recommend another experiment, consisting of a course of measures devoid of that character.

Continuing our protection to the state of Oude against foreign aggression, we might abrogate that part of the alliance which, on the condition of attention to our advice, binds us to defend the government against internal enemies. We might withdraw all our troops at present stationed in Oude to Cawnpore and Futteghurh, or any one or more stations bordering on Oude, where they would still be available for its defence against foreign aggression. We might also withdraw our Resident to Cawnpore, whence he might carry on such communications as might still be necessary with the court of Lucknow.

The Oude Government would then stand more in awe of its subjects, and would find it more difficult to exercise irresistible oppression, in which case the moderation which our advice had totally failed to inculcate might be forced on the court by the necessity of attending to the voice of the people.

If this were the result of the measures suggested, our future relations with the Court of Lucknow would be on a more satisfactory footing than any that they have ever yet stood on. Entirely abstaining from interference in internal affairs, giving no countenance to oppression or misrule, our duty towards that court would be confined to protection against foreign aggression. The only foreign State with which the Court of Lucknow can come into collision is that of the Goorkhas. Three sides of the Oude territory are bounded by our dominions, the fourth by those of the Goorkha state. Under the circumstances supposed, there would not be any greater danger of collision between those two powers than there is at present. Our mediation would be equally available in any incidental disputes on their mutual frontier, and any positive intentional aggression on either part, it would be our duty to prevent or repel.

I am not aware of any insurmountable impediment to the execution of the measure suggested. It may certainly be said, that it would be an abandonment of those persons at Lucknow and in the Oude territory who enjoy the protection of our Resident against their sovereign. It cannot, however, I conceive, be maintained, that we are bound to shape our policy by consideration for those individuals; such as would not continue to reside securely in Oude without our protection would have to take up their abode in our territory. The system which has prevailed at Lucknow of giving our protection to subjects of the ruler of Oude, appears to me to be highly objectionable. I know not how it commenced; nor why it has been so extensively continued; and whatever system of policy we may pursue towards the Court of Lucknow in other respects, this violation of the rights of the sovereign of a foreign country ought, I conceive, to cease, in every instance in which it is absolutely impossible, in good faith, to get rid of the incongruity. In most cases it will, I have no doubt, be found, that there is no reasonable obligation on us to continue our protection. With few exceptions, the boon most probably has been voluntary and gratuitous, arising out of the practice which has prevailed at the residency at Lucknow of setting up a jurisdiction in contravention of that of the ruler of the country, or at least separate from it, a jurisdiction which is unwarrantable and mischievous, and ought, under any circumstances, to be abolished.

The experiment of the withdrawing our troops and our resident, and all cognizance of internal affairs, might fail in one of two ways! the court might possibly continue powerful enough to oppress the people without restraint. Would it in that case be incumbent on us to interfere again for the protection of the people? I am inclined to think it would not. Having manifestly withdrawn our countenance from the acts of the government, and left the people at liberty to resist oppression, I do not conceive that we should be more called on to interfere in Oude in consequence of acts of oppression than we should be in any other country in India under our general protection from external aggression. I do not, however, anticipate that this would be the effect of our withdrawing our countenance. The government would surely be, in the first instance, weakened by that proceeding; it would be compelled to have recourse to moderation; and if strong enough to assert its rights, with a respect for the people sufficient to restrain it from oppression, nothing could be more desirable. A system of oppression cannot be carried on without an overwhelming military force; a large military force requires large resources; oppression tends inevitably to diminish resources, and to prevent the regular payment of the army; an ill-paid Army becomes mutinous, and is a source of weakness instead of strength; the evil, therefore, would cure itself, the government would not be strong enough to practice unresisted oppression. The possible weakness of the government presents another chance of bad consequences from withdrawing our superintendence: anarchy might ensue. If it were partial, and did not affect our frontiers, I do not see that it would require us to alter our course; if it did affect our interests, we should be at liberty to take measures to put down the evil effectually. It could not be universal without reducing the court of Oude to the necessity of imploring our protection on any terms, and we might then, with the entire consent of the court, which could never be obtained under any other circumstances, adopt any plan that we might conceive most effectual for the future government of the Oude territories.

Regarding the question in every point of view in which it occurs to me, I see nothing so discouraging as necessarily to deter us from adopting the measure of withdrawing our troops and our resident, if it should be rendered expedient, by the perseverance of the Oude government in acts of oppression, notwithstanding our advice to the contrary. The objects of that measure would be to compel the court to moderation and tolerably good government, and to teach it to act in its internal administration without our interference and support; objects which it must be admitted to be very desirable to attain, and both of which will not, most probably, be accomplished in any other way, if our previous advice should fail to produce effect.

• Supposing this scheme of withdrawing not to be approved, What other methods offer themselves of bringing about a better administration of affairs in Oude? I would still earnestly recommend our abstaining from taking any share in the administration beyond what might be necessary to check extortion and oppression. With this view the native administration might remain, as at present, subject in all its branches to the King and his Ministers. The resident might have power to insist on redress in cases of extortion and oppression. It would be necessary that he should have assistants in the work of check; and none could be relied on but European officers, who might be appointed to the several divisions of the Oude territory, one to each, visiting occasionally every part of his charge as might be advisable. The assistants ought to possess the power of obtaining the necessary knowledge to enable them to exercise their duty of check efficiently; they ought to know the just claims of the Government on the people, in order that they might be able to detect extortion. In cases of that character, or of other oppression, they might have the power of advising and remonstrating with the local native authorities, and of reporting to the resident, who, on his part, would use his influence with the government in order to obtain redress, if the local authorities did not, or would not, afford it. Neither the resident nor any of the European assistants under him, ought to issue any orders, or possess any direct authority, or take any part in the collection of the revenue, or in receipts or disbursements of any kind connected with the administration of the Oude dominions: their powers being limited to the degree of inspection and interference indispensable to make them efficient instruments of check, and all executive offices being held by the native officers under their own native government. Whenever the time for removing our interference might return, the recal of the powers of check conferred on the resident and his assistants, would leave the native administration in full operation, uninjured by our temporary intervention. I do not recommend this system as being so efficacious for the right government of the country as one of more direct authority and participation in the administration, but I hold it to be the system which more than any other that could be adopted, combines an effectual check on the worst abuses of misrule with the maintenance of the sovereignty of the native ruler unimpaired, and the preservation of national institutions unaltered. These were the objects of the interference which was organized in the Nizams' territories in 1821, and this was the system then introduced. It became a part of the duty of the officers of check employed to aid, in concert with native authorities, in settling the just demand of the



government on the landholders, because such was the want of good faith of the Minister of that country that there was no other way of ascertaining the proper limit of that demand, or of discovering whether complaints of extortion were true or unfounded. The same proceedings might be necessary in Oude, from the same cause, but it is a more direct participation in the administration than I should be disposed to advocate, if the fair demand could be ascertained without it, which in Oude perhaps might be practicable.

If neither of the schemes above suggested should be approved, it seems to me that nothing is left but the assumption of the superintendence and direction of the entire administration, and it remains to be considered in what mode this can most advisably be carried into effect.

One method of exercising such interference is, that if a Minister should govern the country, subject to the control of the resident. This implies that the Minister would be selected or at least supported by the resident, and thus be made independent of his sovereign. The authority of the sovereign would be set aside and the servant would be made to domineer over his master. This must be the most grating of all degradations. I do not conceive that we have any right thus to depose the sovereign, except in cases which would warrant actual war. But, waiving that question, it is evident that the success of this plan must depend on the goodness of the Minister. If the Minister were a good one, our interference would be unnecessary, and if he were a bad one it must on this scheme fail. The Minister would profess to be guided by the injunction of the resident, but would have the power of deceiving him; and the resident would have no means of detecting or checking numberless acts of mal-administration. Excepting only that by accident the British Government or the resident might hit on a better Minister than the Prince would select, which is by no means certain, this scheme would be totally inefficient, while the virtual deposition of the sovereign would make it in principle as objectionable as any that could be devised with a view to the most complete efficiency. The legitimate sovereign having been set aside by an act of paramount power, whether warrantable or otherwise, avowedly for the purpose of introducing an improved administration, there is no reason why one of the servants should be vested with authority to counteract the very purpose for which alone that questionable proceeding had been reluctantly adopted,—a proceeding which would at least require complete success for its justification.

Another step in the progress of interference would be to place the whole administration under the resident, not governing through a Minister, but exercising himself all the powers of a Minister, with only native officers as his subordinate instruments. It is my opinion that this plan also would not be efficient alone, and without the aid of any but native officers the resident could not sufficiently check their proneness to corruption and extortion. If we are to set aside the power of the sovereign, and introduce our own, we are at least bound to render the measure efficient for the good of the people; it is the only plea that we can have or the violence that we should thereby commit.

If, therefore, our direct assumption of the administration of the Oude territory be deemed unavoidable, I should recommend its adoption in a shape which, judging from reason and experience, would ensure its efficiency. The resident might have the supreme control, with European superintendence under his orders in the several divisions of the country, selected from the civil or military servants of the British Government in India. the subordinate establishments under the superintendents consisting of native officers. This plan was followed with eminent success in the Nagpoor territories during the minority of the Raja, and it is the one which would, I conceive, prove most efficient in Oude, if we were compelled to interfere directly in the management of the internal affairs of that country. At the same time all the native institutions being maintained unimpaired, the sovereignty could be restored to the King whenever that measure might be deemed advisable, by the mere withdrawing of the authority of the resident and the European superintendents, and by the substitution of a native Minister and native superintendents, the machinery of the government in other respects being unaltered by our intervention.

In conclusion, I shall briefly recapitulate the substance of the opinions which I have offered in this minute.

1. I conceive it to be an indispensable duty to prevent the conversion of our protection to the Oude Government into the support of tyranny and oppression.

2. We ought therefore to endeavour strenuously to induce the Government of Oude to improve its administration, without direct interference on our part; and the Government of Oude, if it does not want the will, has fully the power to effect that object.

3. If our endeavours should fail, it would be desirable to withdraw our troops and our resident from Oude, leaving the government to manage its internal affairs without countenance or intervention on our part.

4. If the plan of withdrawing should be rejected, a system of intervention and check such as was established in the Nizam's territories in 1821, for the purpose of preventing extortion and oppression, without participation in the executive Government, would be preferable to the assumption of that direct authority in the administration by which the sovereignty of the Prince must be entirely set aside.

5. If it be deemed warrantable and necessary to take the administration completely into our own hands, and to supersede the sovereignty of the Princes, a system similar to that pursued at Nagpoor during the minority of the Raja would be preferable to any one in which the representative of our Government would have to rely solely on the aid of native functionaries, in which case he could not be expected singly to exercise a sufficient check over the extortion and oppression which it would be the purpose of our interference to prevent; and if we are to go the length of virtually deposing the sovereign, and inducing our own exclusive authority into the administration, *we are bound to make our interference efficacious for the the protection of the people.*

(Signed)

C. T. METCALFE.

P. S.—I had not seen the Governor-General's instructions to the Resident at Lucknow of the 25th of August when this Minute was written.

(Signed

C. T. M.

(True Copy,)

(Signed

GEO. SWINTON,

Chief Secretary to Government.

# THE AGRA PRESIDENCY.

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No. 1.

*Copy of a Letter from the Governor-General of India in Council to the Court of Directors of the East India Company.*

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(Political Department,) Ootacamund, 11th August, 1834.

HONOURABLE SIRS,—In our despatch of the 16th of June last, we promised that we should take an early opportunity of addressing your honourable Court with reference to the subjects noticed in the communications from the Vice-President in Council of the 8th and 22d of May. We have since received a further communication, dated the 31st May, from the same authority in connexion with the former letters, and we now propose to take this opportunity of noticing the subjects of all three communications.

2. We have no hesitation in expressing our concurrence in the view which has been taken by the Vice-President in Council relative to the separation of the territories which are to form the Governments of Agra and Fort William respectively; and we are of opinion that all the territory which is now under the Sudder Court and Sudder Board at Allahabad, including Benares and Goruckpore, should be assigned to the Agra Presidency.

3. Regarding the share to be taken by the Agra Government in the conduct of our political relations with the surrounding independent states, we confess that we feel considerable embarrassment. Your honourable Court has recognized us, who constitute the Supreme Government, as the organ of the diplomatic functions of the state, and we are sensible that we could not delegate to another authority any portion of the responsibility which attaches to the exercise of those important duties.

4. The tract of country adjacent to the Agra Presidency is that in which are situated the states with whom we have the most important political relations; and it has hitherto been the practice for the Governor-General in Council to select such individuals for his representatives and agents in that quarter as seemed best fitted by their abilities and experience to perform with credit the confidential and arduous duties confided to them.

5. Sir Charles Metcalfe is so peculiarly well qualified for the task, that our confidence in him would be unlimited, and we are decidedly of opinion, that to avail ourselves of the advice and assistance of that eminent officer, with regard to our diplomatic relations in the neighbourhood of the Agra Government, would be in the highest degree beneficial to the public service.

6. But the nomination to the high office of Governor of Agra rests with the home authorities, and it is hardly necessary for us to observe, that it might so happen that the personage selected should not possess those qualifications which, in the opinion of the Governor-General in Council, would be necessary to give weight to his suggestions in all matters connected with our various and complicated relations. It will immediately occur to your Honourable Court, that however judicious the selection in all respects, some experience of Indian politics would be required to enable the Governor, who had not previously served in the country, to form a correct and satisfactory judgment on the various and frequently embarrassing political questions which would be submitted to his decision.

7. We feel that to divest the Agra Governor of all political authority is in some measure to detract from his official consequence; yet we are of opinion that this is a minor evil in comparison with that which would be experienced by the interposition between us and the confidential representatives of the Governor-General, of a functionary who is not appointed by us, whom, except in a case of the greatest emergency, we could not venture to suspend or remove; who on the other hand would have no share in the appointment of the

subordinate agents, and who therefore, whatever were his other qualifications, might not always, in our judgment, be a proper medium of communication between us and those agents. We think, moreover, that the official consequence of this functionary would be more apt to suffer diminution, were we compelled on any occasion to support the views of the subordinate political functionaries in opposition to his, than if all ground of collision were removed by our keeping the control over the diplomatic authorities entirely in our own hands.

8. Being of opinion, for these reasons, that the Governor of Agra should be confined to duties of internal administration, we at the same time attach much weight to the observation of the Vice-President in council, that in such case it would be highly inexpedient to fix the seat of Government at Agra, so "prominently in the very centre, as it were, of foreign states." We think that Allahabad will on every account be the most eligible position.

9. The Governor of Agra being unconnected with executive political duties, it would be a waste of time, and answer no useful purpose, to require that he should be the channel of the correspondence in this department with the Supreme Government; but it being obviously desirable that this high functionary should be made acquainted with all transactions of importance, we propose to direct that duplicates be transmitted to him of all despatches of moment. We shall also furnish him with copies of our instructions in such cases. On the assumption by Sir Charles Metcalfe of the Government of Agra, we shall naturally solicit him to favour us with the benefit of his enlightened and experienced judgment in all cases which may thus be brought to his notice.

10. We have little to add to the judicious remarks and suggestions on the subject of establishments, contained in the 6th paragraph of the letter from the Vice-President in Council, under date the 8th of May. It is proposed to commence with one secretary only, although additional assistance may ultimately be required for the management of the secretariat, and especially for the conduct of the Revenue and Judicial business. We propose to remove Mr. Macswen to Agra, while the Revenue and Judicial department of the Bengal Presidency may be transferred to the secretary in the Political department with an additional under-secretary.

11. The question of the distribution of patronage between the two governments is one which we look upon as pregnant with difficulty. We concur in the suggestions of the Vice-President in Council, so far as they go, which are contained in the 8th paragraph of the letter already cited: and we fully agree with that authority in thinking that the system which prevailed in the Poonah territories would be entirely inapplicable to the establishment of Officers, and the mode of their selection for the new Presidency. The transfer of individuals from one presidency to another should be determined by the Governor-General in Council; but the preferment of the servants already employed within the Agra Presidency involves a consideration altogether distinct.

12. Having viewed the question in all its bearings, we beg leave to submit to the superior judgment of your honourable Court the following observations:

13. To us it appears that either complete subordination or complete separation would probably be the system most conducive to harmony in the working of the machine of government.

14. If the first principle obtain, the two Governors of Fort William and Agra will be merely the agents of the Governor-General of India in Council, and all patronage will be disposed of as heretofore.

15. If, on the other hand, the second principle be adopted, the civil service should at once be divided, and the due proportion of its members allotted to each presidency. New appointments for the particular presidencies should be made, and all patronage vested in the Governors of Fort William and Agra, as is now the case with regard to the Governments of Fort St. George and Bombay.

16. To the adoption of the last-mentioned principle we confess that we perceive very serious objections. It would transfer to a subordinate officer one half of the civil patronage (as will be seen by the accompanying statement), and it would, so far as the general interests are concerned, make a separation and division where there now exists the closest union and connection, as regarding the agency by which the whole is to be governed, the army and the commercial and mercantile business of all the north of India, the production of one continued line of country, carried on one river, and entering and departing by one port.

**THE AGRA PRESIDENCY.**

17. To the adoption of the first material principle there are objections perhaps equally serious, as they would affect the dignity and consequence of the Governor of Agra; and upon the whole, we are inclined to the opinion that it will be more expedient to adopt an intermediate course.

18. This course we propose to follow until furnished by your honourable Court with distinct instructions for our guidance, premising that we intend to retain in our own hands the entire and exclusive control over the political, military and financial concerns of both governments.

19. Desiring on the one hand, not to abridge too much patronage of the supreme authority, and on the other hand, to secure to the local government its due share of patronage, we have come to the conclusion that the appointments to the Sudder Court and Sudder Board should be reserved to the Governor-General of India in Council, and that all other offices should be filled up by the Governor of Agra, excepting in cases where political duties may be discharged by an officer holding a revenue or judicial situation, when the appointment of the officer to the united duties should rest with the Supreme Government.

20. The question as to appointments to the secretariat is one which admits of some doubt, and we wish therefore to reserve it for further consideration; but as the new arrangement with regard to the secretariat of the Supreme Government, adverted to in the 10th paragraph of this letter, will leave the services of Mr. Macsween available, we think that, in the first instance, there can be no doubt as to the propriety of the resolution which we have formed to appoint that gentleman, who is so peculiarly qualified for the discharge of the Revenue and Judicial duties of the western provinces, to the office of Secretary to the Agra Government.

21. Whatever rules may ultimately be determined upon with reference to the authority by whom the appointments to the Agra secretariat shall in future be made, as well as with regard to the patronage generally belonging to that Presidency, the same rules will of course be applicable to the Government of Fort William; but we have determined that the secretaries to the Government of India shall also be secretaries to the government of the Bengal Presidency.

22. We entirely concur in the opinion expressed by your honourable Court, that it is desirable we should conduct the correspondence with you on account of the Governments of Fort William and Agra; and we shall issue such instructions to those governments as may seem calculated to facilitate the punctual performance of this duty.

23. With regard to the Governments of Fort St. George and Bombay, your honourable Court has determined that their correspondence shall be conducted directly with yourselves. For the more efficient performance of our duty of general control and superintendence, we have requested those governments to furnish us with an abstract of their proceedings, as soon as it can be prepared, after each day's council.

24. The political authorities who have been heretofore subject to the Governments of Fort St. George and Bombay will be required to correspond with us directly, and to send duplicates of their communications on matters of importance to the Governor in Council of those presidencies respectively to whom we also shall furnish copies of our instructions in such cases.

25. On occasions of great and sudden emergency, where the delay of a previous reference would be attended with danger to the interests of the State, orders will naturally be issued by those governments, and we shall instruct the political authorities who have been heretofore subject to their control, to pay implicit obedience to the orders which they may receive under such circumstances.

26. The resolution which we have formed of retaining in our own hands the general management of political affairs, will not of course operate to prevent us from confiding to any of the subordinate governments the conduct of any part of our diplomatic relations, whenever special circumstances may indicate such an arrangement to be desirable.

27. We shall furnish the honorable the Vice President in Council and the right honorable the Governors in Council of Fort St. George and Bombay, with copies of this despatch, and we shall request these authorities to favour us with any observations or suggestions which in their judgment, may be conducive to the general efficiency of the system. Your honourable Court will be furnished as soon as practicable with copies of the replies we may receive.

28. If upon consulting with those authorities we should see no reason to modify the resolutions which we have formed, as detailed in this despatch, we shall proceed to give effect to them by such orders and legislative enactments as may be required.

29. The letter to our President's address from the Vice-President in Council, dated the 22d of May last, conveyed the gratifying assurance that the course which it had been resolved to adopt during the absence of the Governor-General and Council from the Presidency, was concurred in by that high authority. The same despatch apprised us of the intention of Mr. Blunt to remain at the Council Board in Fort William.

30. As No. 4 of the packets, we submit copy of a further communication to the address of our President from the Vice President in Council, dated the 31st May last, expressing his doubts upon a point of law as construed in a previous letter from the Governor-General. Our President has since had the benefit of conferring with the fourth ordinary member on the point in question, and he now concurs with the Vice President in Council in opinion, that the former construction was erroneous. The Governor-General is now satisfied that he mistook the intention of the Legislature upon the point, whether as Governor of the Presidency of Fort William, the Governor-General was or was not to have the assistance of a Council.

31. But when the Governor-General assumed that the government of Fort William was to be administered by the Council of India, he had only seen the Act, and having observed it laid down by the Legislature as one of the leading principles of the new arrangement, that all the Presidencies should be governed by a governor and three councillors, he never supposed that in Bengal, where there was actually a council available for the purpose, the members of which could better spare their time for the purpose than the Governor-General, any other plan could be intended.

32. The instructions of your honourable Court dated the 27th December last, went to confirm this opinion, because the 12th paragraph of that despatch recognizes the Governor-General in his double capacity and state that it is not thought necessary to appoint two council for his assistance in the performance of his two duties. The natural inference appeared to the Governor-General to be, that one council sufficed for, and was intended to assist in both.

33. There were some reasons of a powerful nature against this construction, when minutely examined; among others it may be urged, that a military man was not eligible to be a member of the local government: still it must be remembered that when your honourable Court's instructions were issued, Mr. Martin was considered as the third councillor. Those instructions appeared moreover to the Governor-General to have been drawn up rather for the exigency of the occasion, providing temporarily for the duties, and requiring information upon which a permanent regulation of duties, jurisdictions, limits, patronage and other matters was hereafter to be framed.

34. The instructions certainly intimate a distinction between the Council of India and the Governors of Fort William and Agra; and though it would seem unmeaning to provide that the Council of India should control itself, as the Governor in Council of Fort William, yet that distinction seemed necessary as a matter of form with reference to the separation that might at any time take place by the removal of Council of India, or by the appointment of one of the other members of Council as the Governor of Fort William; but we beg permission to observe with reference to the objections above stated, that, practically speaking the control of the Governor-General in Council over the Governor-General, as Governor of the Presidency of Fort William, must in all probability be equally inoperative.

35. In the concluding paragraph of his letter of the last-mentioned date, the Vice President in Council alludes to the necessity of a more formal legality being conferred for the performance of financial acts on the part of the Supreme Government. When this suggestion however was made, the Vice President in Council was not in possession of the proclamation which we subsequently caused to be issued, and by which we provided that the Vice-President in Council should continue to discharge the same duties as heretofore. This provision superseded, in our opinion, the necessity of any new and separate authority for the discharge of a portion of those duties.

36. We take this opportunity of apprizing your honourable Court, that we propose quitting this station towards the end of the ensuing month, and that the Governor-General, and such part of the Council as accompany him, hope to reach Fort William early in the month of November.

We have, &c.

(Signed)

W. C. BENTINCK.  
FREDERICK ADAM.  
W. MORRISON.  
T. B. MACAULAY.

## No. 2.

*Copy of a Letter from the Vice-President in Council to His Excellency the Right Honorable Lord W. C. Bentinck, G. C. B. and G. C. H., Governor-General in Council.*

Fort William, 4th Sept. 1834.

MY LORD.—We have the honour to acknowledge the receipt of your Lordship's despatch of the 11th ultimo, received this day; and in obedience to your commands, we proceed to submit such observations and suggestions as occur to us with reference to the arrangements detailed in your Lordship's letter to the Honourable the Court of Directors of the same date.

2. The first measure that appears, on a perusal of the proposed plan, to require remark, is the entire exclusion of the Government of Agra from any share in the management of our political relations.

3. When the creation of a fourth Presidency was announced, denominated the Presidency of Agra, it was universally understood that the measure proceeded from a conviction on the part of the Legislature of the expediency of establishing an efficient Government in a quarter too remote for the exercise of sufficient superintendence on the part of the Government of Bengal, and the choice of Agra as the site of the capital of the new government, indicated that the subordinate control of political relations was intended to be a part of its duties. These purposes of the Legislature, we conceive, will be defeated by the arrangement which your Lordship contemplates.

4. We are of opinion that no part of our administration in that quarter needs, a high local authority more than our political relations, and whatever may become of the Government of Agra, we anticipate that it will be found necessary to establish some such authority. We conceive that a government at Agra would be well suited for that purpose, and that the Supreme Government, on excluding the proposed government from any concern in political relations, is throwing away an instrument already provided.

5. If the instrumentality of a subordinate government in the management of political relations were likely to derange or interfere with the general scheme of policy directed by the Supreme Government, we should regard such instrumentality as highly objectionable; but as all the presidencies are henceforth to be in strict subordination to the Supreme Government, we are not aware that the same objections exist to their employment in political affairs which might justly have been urged to the exercise of anything like dependent or distinct power, such as was formerly in some degree possessed by each presidency separately. Viewing the Supreme Government as the general controlling power, and the several presidencies as subordinate local superintending agencies, we see no reason why the Agra Government might not be as obedient and attentive as any inferior functionary. The Supreme Government would have the same power of correcting and revising its proceedings in political as in other affairs, and might at any time take any particular matter into its own hands. With respect to the circumstances noticed in the 7th paragraph of your Lordship's letter to the Court, as likely to affect the consequence of the Governor of Agra, if he were entrusted with local control over political affairs, they appear to us to be such as every subordinate authority must be subject to that has any power above it, and other functionaries below it.

6. Whether, however, it be better that the Supreme Government should make use of the Government of Agra as an intermediate instrument in the local superintendence of political affairs, or retain that branch of administration entirely under its own direct management? whether it be more expedient that the Supreme Government should be the universal controlling power, governing by the aid and instrumentality of the several presidencies, or he itself, in political affairs, the every where pervading sole authority, rejecting the presidencies as intermediate instruments; whichever of these systems be best, it is quite clear that, with respect to foreign powers, the Government of Agra, excluded from any connexion with political relations, must be utterly insignificant and useless. If, in the creation of the Agra Presidency, it was any part of the plan that a government should be formed on our north-west frontier, which should command the respect of foreign powers, that object must be entirely defeated by your Lordship's arrangement. The Governor of Agra, the territories of whose Government, except where they join those of Bengal, are surrounded by foreign states, will be no more to these states than the lowest functionary under his government, nor so much as many a functionary, who, although sub-

ject to his authority in matters of internal administration, will, according to your Lordship's plan, have political powers independent of him under the direct control of the Supreme Government. While adverting to this part of your Lordship's arrangement, in order that we may not have occasion to notice it again, we beg leave respectfully to recommend that these functionaries, of the Agra Government, who, in addition to civil duties, may have political powers entrusted to them, should exercise these powers under the intermediate authority of that government, or, if this be deemed impracticable consistently with the general arrangement, that the civil functionaries of the Agra Government should be relieved from political duties, and distinct officers for these duties be appointed. It will be a great additional degradation to the Agra Government, if officers acting under it be only half subject to its authority and be selected for their appointments by another power.

7. The next point in the perusal of your Lordship's despatch to the Court to which our intention is attracted, is the proposed substitution of Allahabad for Agra, as the seat of the new government. There is, we conceive, no doubt that if the new government is to be excluded from any share in the management of political relations, Allahabad is better situated than Agra. The further the insignificance of the government be removed from the sight of foreign powers the better. In some respects Allahabad appears to be well situated for internal administration. In one, from the comparative celerity of communication with the Supreme Government; but in others, it must tend to increase the insignificance of the new Presidency. There is nothing about Allahabad except its fortress to mark it as the seat of a government. As it is one of the smallest military stations, the European community will be very limited; the native population is, we believe, on the ordinary scale of places of some consideration. There will be no semblance of a presidency; the seat of government will be nothing more than a civil station. But while we offer these remarks, as showing that the site selected will tend to co-operate with other parts of the proposed arrangement, in lowering the public estimation of the character of the new government, we are not aware that, under the restrictions which are to be imposed on its administration, any site could be selected more free from objections of one kind or another.

8. We could not recommend one of the great military stations as the seat of the government, because that would only add further to its insignificance. All control over the army being reserved by the proposed arrangement to the Supreme Government of a presidency containing within its limits the greater portion of the Bengal army, will neither have the means of conciliating its affections, nor of securing its respect. A government declared by Act of Parliament to have the same powers as the other presidencies, will have no power whatever over the most essential part of its establishment. A governor bearing a commission enjoining obedience to him from all within the limits of his government, will find that the obedience of the most important body in the territories of his presidency is claimed by another authority to his entire exclusion. The entire and exclusive control over the military as well as the political concerns of the Agra Government is to be retained by the Supreme Government. The question unavoidably occurs, What is the new government for? To call a machine so destitute of governing powers, a government, appears to us to be a misnomer.

9. We are compelled next to advert to the proposed nomination of Mr. Macsween to be secretary to the Government of Agra. We have no objection to urge against Mr. Macsween personally; we have a high respect for that distinguished officer, and believe that a more efficient secretary could not be selected; but we are of opinion that the assumption by the Supreme Government of the nomination of the secretary to the Agra Government, is a degradation very unnecessarily put on the Governor of Agra. All the subordinate governors have hitherto had the nomination of their secretaries. We can only recollect one instance to the contrary, when the Court of Directors, owing to some feeling of displeasure, removed that eminent man, Mr. Webbe, and appointed Mr. Chamier to be chief secretary at Madras. Mr. Elphinstone, as commissioner at Poonah, had the nomination of his own secretaries. Sir Charles Metcalfe, in the subordinate situation of commissioner at Delhi, was allowed to nominate his own secretary. We know not why, or for what purpose, this peculiar degradation has been inflicted on the Governor of Agra, but we are satisfied that it must tend greatly to complete his insignificance. A secretary to a subordinate governor, appointed by the Supreme Government, will be more above than really under that governor. He will have his private correspondence with the officers of the Supreme Government, and will have more influence than the governor, who will often find himself counteracted by his secretary. The attention and respect of the latter, his hopes of approbation, and promotion, will be directed towards the Supreme Government, not towards the insignificant governor under whom he is placed. We conceive that the control of the Supreme Government over the other governments is unlimited, but that the fair and legitimate exercise of that control is in directing measures from the above, not in placing its own instruments under the subordinate governors. It would seem as if the



Supreme Government, not satisfied with depriving the Agra Government of all superintendence over every other branch of administration, had determined to manage all that is left to that government, the Revenue and Judicial departments, through a secretary nominated by itself. We trust that we are not guilty of any disrespect in offering these remarks. We are speaking of the sure tendency of such an arrangement, not of your Lordship's actual intentions, which we are convinced are directed solely towards the public good. Of all the appointments under a subordinate government, we conceive it to be most essential that the governors should have the nomination of their secretaries, and we hope that your Lordship will, on reconsideration, perceive the double injury inflicted by an opposite course; the injury to the personal respectability of the governor, and what is of more importance, the injury to the efficiency of his government, which can never be promoted by a detraction from the respectability of his office. In the present instance, there is apparently something besides degradation to the office, there is a palpable indignity put on the individual appointed to that office; for while it is admitted (paragraph 20) that the question as to appointments to the secretariat is doubtful, and is therefore reserved for further consideration, there seems to be no hesitation in deciding that question with regard to the feelings of the governor, in a way that cannot be supposed to be according to his wishes. The Legislature assigns to the subordinate governments even the nomination of councillors, on vacancies unprovided for, and it cannot be supposed to have intended that they should not have the nomination of their own secretaries. With respect to Mr. Macsween, we conclude, that if he be allowed an option, he will not choose to be put down from being chief secretary to the Supreme Government, to be secretary to a government with such restricted powers, stationed at Allahabad.

10. Adverting to the proposed junction of the Revenue and Judicial departments with the Political under the Supreme Government, we apprehend that such an arrangement, as a permanent one, is impracticable. The experience required for the Political department is so different from that necessary for the other, that no person is likely to possess sufficient experience for both. The arrangement might succeed in Mr. Macsween's hands; but it cannot hardly ever again occur, that a gentleman eminently qualified by experience as well as abilities for the Judicial department of the secretariat, should, from his distinguished talents and rare character, be deemed the fittest secretary for the Political department also, notwithstanding his want of practical experience in that branch of the service. A principal motive, therefore, for the double degradation of Mr. Macsween and the Governor of Agra, is a proposed union of incongruous offices, such as has never yet happened since secretaries were appointed to departments, and such as cannot be expected ever to happen again.

11. If patronage were a possession solely for the gratification of the individual distributing it, we should think that the portion assigned to the Agra Government, with respect to the Revenue and Judicial department, in which only any portion is assigned, sufficiently liberal as to those departments, considering that the Supreme Government, in every thing that it gives away, makes some sacrifice; but if the distribution of patronage be, as undoubtedly it is, for the good of the public service, we are bound to say, that the reservation of appointments to the Revenue Board and highest court of justice in the hands of the Supreme Government, besides being contrary to the practice at the other presidencies, must tend to impair the efficiency of the subordinate government, by leading those under its authority to look elsewhere for promotion. It would, we conceive, be a better arrangement, if it be deemed impossible to follow the practice established at the other presidencies, that the Agra Government should recommend, and the Supreme Government confirm, appointments to these high offices. The power of recommendation vested in the Agra Government would ensure the due attention to their duties of those looking to such appointments, while the control of the Supreme Government would secure great care on the part of the subordinate government in the selection.

12. We see no objection to the arrangement by which the correspondence of the Agra Government is to be carried on with the Supreme Government, and not immediately with the Court of Directors. Combined with so many other arrangements which reduce the Agra Government to a nonentity, it will tend to lower that Government; but we regard it in itself as entirely unobjectionable. It is a token of subordination to the Supreme Government which is perfectly consistent with the spirit of the new constitution for the government of India, and which we have no wish that the Agra Government should in any degree be relieved from, even to the extent implied by direct correspondence with the Court of Directors.

13. The arrangement by which it is proposed to exclude the Governments of Madras and Bombay from their former share in political affairs, will eventually, although it may not for some time, have the same effect on those powers that the same thing must at once have on the Agra Government. The question seems to be, whether the Supreme Govern-

ment can most effectually conduct our foreign relations with or without the local agency of the subordinate governments. Your Lordship has decided this question against the subordinate presidencies; and if this judgment be correct, the effect on the respectability of these presidencies is of minor importance.

14. We have not thought it necessary to offer any remarks with respect to the powers proposed to be conferred on the Governor of Bengal, in common with the Governor of Agra. The Governor-General being ex-officio Governor of Bengal, it is obvious that whatever he takes from the Governor of Bengal, he assumes to himself as Governor-General or Governor-General in Council, and that whatever he relinquishes as Governor of Bengal, and that consequently there is no resemblance between the Governor of Bengal and the Governor of Agra, and that the latter alone is injuriously affected by restrictions and privations which may nominally be common to both.

15. If we have argued the question of the restrictions to be put upon the Government of Agra with any undue anxiety, we trust that your Lordship will make allowances for the Governor elect and the provisional Governor, who may not perhaps be able to divest themselves entirely of a personal interest in the respectability of that Presidency. We have not, however, dwelt on the insignificance to which it will be reduced merely for the purpose of giving expression to our sentiments, but more with a view to suggest what appears to us to be a most desirable arrangement for the good of the public service.

16. Your Lordship's plan deprives the Government of Agra of all power except in the Revenue and Judicial departments. We are not disposed to undervalue the importance of those departments, on the right superintendence of which, the happiness of millions depends; but it is not merely for the control of these departments that a separate government has been deemed necessary. The duty may be performed with equal efficiency and with greater economy by a single officer, under an arrangement similar in design to that which existed during a period of the administration of the Marquis Wellesley. Such an office would be highly respectable on account of its duties, and free from ridicule, because its duties would correspond with its character. By your Lordship's arrangement nothing is left to the Government of Agra but the expense; and this, which was formerly considered a just and great, but the only objection to the formation of a new government, however efficient that government might be, is now in an immeasurable degree more objectionable, since the government is made useless, and will probably become an object of derision, from the ill accordance of its powers with its designation.

17. If therefore the honourable Court should adopt your Lordship's arrangement; if the formation of an efficient and respectable government for all the purposes of government be deemed impracticable; if the separation of power and patronage from the Supreme Government be held to constitute an insurmountable difficulty, we would earnestly recommend that the Government of Agra be abolished, that the Presidencies of Bengal and Agra be re-united, and that an officer of the Bengal Civil Service be appointed by the honourable Court, with any designation and salary deemed most proper, to relieve the Supreme Government from these details of revenue and judicial administration which are assigned by your Lordship's arrangement to the proposed Government at Allahabad. This proposition we respectfully submit for your Lordship's consideration, and that of the honourable Court of Directors.

18. Sir Charles Metcalfe, on his own part, begs leave to entreat, that if the abolition of the Government of Agra be contemplated by your honourable Court, there may not be any hesitation or scruple on his account in the instantaneous adoption of that measure. It would be presumptuous to suppose that there could be, but he nevertheless thinks it right to state, that he does not consider himself as possessing any claim that ought for a moment to retard an arrangement which in the case supposed would be so desirable, and to declare explicitly that he shall not consider himself as injured by the abolition of his office, nor in the slightest degree entitled to compensation or consideration of any kind. He feels that he has already been rewarded beyond his deserts. He has been induced during late years, not by any wish to increase his pecuniary means, nor any expectation of personal advantage, but by attachment to the service in which his life has been passed from the earliest age; pride in the approbation bestowed on his humble exertions, and a desire to perform the duties entrusted to him so as to promote the welfare of his country, and the happiness of the people subject to its dominion. He will be as willing to retire when his removal may be deemed beneficial to the state as he has been to embrace the opportunities graciously granted to him of continuing to devote himself to the public service.

19. With reference to the 2d paragraph of the letter from your Lordship in Council to our address, we are not aware that any legislative enactments will be necessary in the first

instance to give effect to the provisions of the system which you design to establish. The powers of the subordinate governments are in some measure determined by Act of Parliament, and no legislative enactments in this country can alter the provisions of that Act. But the Supreme Government has complete controul over the presidencies, and your orders will be implicitly obeyed by all. We conceive, therefore, that your Lordship's instructions to the parties concerned will ensure attention to your commands, and that for whatever may require general publicity, notification in the Gazette will suffice.

20. If in the course of argument into which we have been led, in obeying your Lordship's call for our opinions, any unguarded expression may have escaped us which may seem more free than is becoming in an address from an inferior to a superior Board, we solicit your Lordship's indulgence to errors which can only have proceeded from oversight; we need not, we trust, assure you that we have had no intention of conveying our sentiments otherwise than with the perfect respect and deference which are due to your Lordship and the Supreme Government of India.

We have, &c.

(Signed)

C. T. METCALFE.  
W. BLUNT.

(True copy.)

(Signed)

C. E. TREVELYAN,

Dep. Secretary to Government.

No. 3.

*Copy of a Letter from P. Auber, Esq., Secretary to the Court of Directors, to Winthrop M. Praed, Esq., Secretary to the Commissioners for the Affairs of India.*

East India-house, 12th March, 1835.

SIR,—I am commanded by the Court of Directors to submit through you to the Board of Commissioners for the affairs of India, the reflections which have been suggested by the perusal of the letter addressed by the Vice-President in Council to the Governor-General under date the 4th September last, respecting the proposed arrangements for the Government of Agra.

The letter of the Vice-President has led the Court of Directors to consider very carefully, the difficulties which are likely to be experienced in endeavouring to carry on the government of Bengal in its two divisions, according to the plan prescribed by the Act 3 and 4 Will. 4, c. 85, s. 38.

The expense of constituting the Government of Agra on the same scale as the Governments of Madras and Bombay, with a Council and the requisite establishments, especially in the present state of the finances of India, has strongly attracted the attention of the Court, and ought not, in their opinion, to be incurred unless it clearly appears to be necessary for the attainment of some very important end.

The Court are also forcibly impressed with the consideration so strenuously urged by Sir Charles Metcalfe, that if the superintendence of the political relation with the neighbouring states be retained in the hands of the Supreme Government, the Government of Agra will not only be deprived of some of its most important functions, but will remain charged with scarcely any duties, except those which may be performed by functionaries of a secondary rank.

The matters which have already occurred to excite discussion have led the Court to a clear and strong conviction of the practical difficulties which will be experienced in providing servants for two separate governments from one undivided service, and in determining the proportion of patronage to be allotted to each. The Court regard with much apprehension the differences between the two governments, and the dissatisfaction among individuals which may arise from this source.

It appears to the Court, upon mature consideration, that there is a simple and effectual mode of obviating those difficulties without incurring the danger of any concomitant evil.

The object in constituting the Upper Provinces of Bengal a separate government ... to relieve the Governor-General in Council from the management of such a mass of details as it was impossible for him to attend to without neglecting the more important concerns of the general government of India.

It appears to the Court that this inconvenience may be avoided, and the conduct of details be satisfactorily provided for if the whole of Bengal, including the Upper Provinces, were continued immediately under the Supreme Government as formerly. There would then be no question about patronage and powers; the inclinations of individuals regarding places of service would be consulted in the same satisfactory manner as heretofore. And all that would be required, in order to relieve the Supreme Government from the burthen of details, would be to appoint a Lieutenant-Governor for Agra, by whom the business of the internal government might be carried on under the general superintendence and control of the Governor-General in Council.

As the Lieutenant-Governor would discharge such functions as it might seem expedient to the Supreme Government to confide to him, such patronage and powers would be placed in his hands as might appear to be conducive to the execution of the trust with which he would be invested, and between the superior and subordinate authorities there could be no contention.

This plan appears to the Court so fully to meet the exigencies of the case, that they anxiously recommend it in the strongest manner to the consideration of the Board of Commissioners, and should the Board concur with them in the view which they have taken of the subject, the Court would solicit the attention of the President to the best mode of obtaining the powers which are necessary to carry the plan into execution, whether by direct enactment or by authorizing the Court to suspend the execution of that part of the present law which relates to the establishment of two local governments for Bengal and Agra: leaving the whole country as heretofore under the Governor-General in Council, with power to the Court to relieve him of part of the details, by the appointment of a Lieutenant-Governor in Agra.

I have the honour, &c.

(Signed)

P. AUBER, Secretary.

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No. 4.

*Copy of a letter from the Honorable Sidney Herbert, Secretary to the Commissioners for the affairs of India, to P. Auber, Esq.*

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*India Board, 16th March, 1835.*

Sir,—I am directed by the Commissioners for the affairs of India to acknowledge the receipt of your letter, dated the 12th instant in which you state the view taken by the Court of the difficulties attending the division of the Bengal Presidency into two distinct governments, and suggest that the object of relieving the Governor General in Council from the mass of details connected with the administration of the Upper Provinces, might be effected by the appointment by the Court of a Lieutenant Governor, subject to the control of the Governor General in Council.

The letter of the Vice-President in Council, dated the 4th September last, has already engaged the serious attention of the Board.

The Legislature has provided that, notwithstanding the division of that Presidency, there shall be no division of its civil service or of its army; and this was a necessary provision, for not only would it have been impossible to apportion the civil and military establishments between the two governments with satisfaction to the persons interested, but the division would have created much practical difficulty in the distribution of the army, and have impaired the general efficiency of the administration by narrowing the selection of fit men for important trusts.

The new government, placed in immediate contact with the states of Rajpootana, will undoubtedly obtain little of their respect if interdicted from the exercise of diplomatic functions; yet it would evidently be inexpedient that the Governor-General in Council

should divest himself of the direct control over our relations with the most important foreign states.

Without a separate army, and without a separate civil establishment, the Presidency of Agra would want what seems to be the essential attributes of a separate government, while its position within Bengal, accessible only by the river which traverse it the Lower Provinces, seems of necessity to deprive of all direct and independent communication with the home authorities.

Thus mutilated and imperfect, with nothing of a government but the name, the new Presidency of Agra will, if constituted, as it must be, like the other presidencies, with a council and a secretariat, produce further embarrassment to our finances, while, by severing from the Governor-General in Council one half of the civil appointments, it will very materially impair his means of giving a good administration to the people.

In the opinion of the Board, the chief obstacle to good government in India arises from the limited number of persons from amongst whom the selection must be made for offices of high authority ; and no measure would be so injurious as one which would diminish the means the Governor-General now possesses, of placing in every situation of importance within Bengal the man he may consider best qualified to serve the State.

With these impressions as to the unavoidable consequences of dividing the Presidency of Bengal, the Board cannot receive unfavourably the suggestion offered by the Court, and they are the more disposed to desire a revision of the law, when they advert to the many circumstances which may arise tending to produce differences and collision between the Supreme Government and that of Agra, and thus to impair the authority of both.

The Board further acquiesce in the opinion of the Court, that the Governor-General in Council might be relieved from much of the oppressive detail of business by the appointment of a Lieutenant-Governor in the Upper Provinces, and that thus one of the alleged objects of the division of the Bengal Presidency might be easily and cheaply attained.

They are however, of opinion, that the desired relief of the Governor-General in Council from the oppressive weight of details would be much better effected by arrangements which he is competent to make in the distribution of business, than by allotting to a new officer all the details of the administration of that portion of the British dominions in India, which it is most important to govern well and most difficult to govern at all.

The Supreme Government cannot be well administered unless those to whom it is entrusted occasionally descend to the most minute details of expenditure and revenue, and make themselves conversant with matters apparently subordinate, which nevertheless directly influence the welfare of the people.

When the Board take into their consideration the distance of the Upper Provinces from the seat of government, their respect to foreign states, and the character of their population, they cannot but concur in the opinion which has been almost generally expressed, that there should be stationed in those provinces an officer of authority, paramount to that of commissioners, collectors and magistrates, who, enjoying the full confidence of the Governor-General, might exercise whatever power it might from time to time be deemed expedient by the Governor-General to delegate to him.

That this officer should have the entire confidence of the Governor-General and be his immediate representative, seems to be essential to the useful exercise of his authority, and with the view of obtaining this object, it appears to the Board to be necessary that he should derive his appointment from the Governor-General in Council, and not from the Court.

A Lieutenant-Governor appointed by the Court, but with powers to be from time to time limited and declared by the Governor-General in Council, would be in a position yet more disparaging than that of the Governor of Agra. Independent in his appointment, but dependent in his authority, perhaps wanting that which ennobles dependence, the entire confidence of his superior, he would be but an expensive pageant, if divested of power, and practically a governor without a council if he were entrusted with power. But to the creation of an officer exercising the authority of a governor without the restraint of a council, there are in the opinion of the Board the strongest constitutional objections.

An officer exercising power during the pleasure of the Governor General in Council would act under the feeling of immediate responsibility subsequent upon his measures. A Governor in Council has imposed upon him the necessity of deliberation before he acts,

and he must record the reasons of his measures where they may exist a difference of opinion.

The means of judging of his conduct are thus secured to the home authorities, and he knows we will be ultimately responsible to them.

A Lieutenant-Governor appointed by, and only removeable by the Court, would be unrestrained in his actions, either by the knowledge of his immediate responsibility or the necessity of previous deliberation.

He would exercise great power without any of the moral restrictions which the policy of the Legislature has hitherto placed upon it in India.

The Governor-General in Council might indeed divest him of power which he might have abused, but upon the first abuse there would be no restraint ; and under what circumstances of disparagement would our Government be exhibited, if one of its highest officers should for the long period of time required for communication with England, remain divested of power, but enjoying all the emoluments and all the honours of an independent appointment ?

It may be doubted whether the Legislature, which has so recently constituted the Government of Agra, would be prepared at once to sanction its abolition ; but it is not unreasonable to expect that, on having placed before it the great differences of opinion which appear to exist between persons of the highest authority as to the extent of power which should be entrusted to the new Presidency, and on taking into consideration the heavy additional charge which would be brought upon the embarrassed finances of India by the creation at the present moment of members of council for the Government of Agra, and of all the establishments which appertain to a presidency, it may be willing to entrust to the Court, under the control of the Crown, the power of suspending the execution of such provisions of the late Act as relate to the division of the Presidency of Bengal.

If this were done, the Governor-General in Council has already the requisite power of naming a Lieutenant Governor for the Upper Provinces, and of delegating to that officer such a measure of authority as he may from time to time deem expedient, without the further aid of Parliament.

I am, &c.

SIDNEY HERBERT.



## EGYPT.

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[We have been favored with the perusal of the accompanying notes from a journal of an overland trip through Egypt, conveyed in a private letter, and which we are permitted to make public as containing much useful information relative to travelling in that country.]

After a tedious passage of 50 days from Bombay, I landed at Cosseir on the 28th April; hired a house for a few days, to make preparations for crossing the Desert; hired a Bedowin to assist my servant in cooking and general purposes at 3 drs. to Keneh or 5 to Alexandria; engaged 10 camels with their owners at 13 krus each, they finding their own water and provisions. These Bedowins will assist in pitching the *bechoba* or tents, for which they expect a present—"bucksheesh." I purchased a few fowls, charcoal and fuel for four days' cooking, some white porous goglets and flour for *hoppers* or cakes. Horses and asses are to be hired, 20 drs. for the latter to Keneh. These animals (like all money transactions) are very cheap. If ladies or children are in the party, avoid travelling in a *shubrir*, a kind of crate to be lashed across the back of the camel. It is 4 feet by 2½, but lots of bedding, pillows did not keep my bones from the violent double motion of the animal. If a *tooktarowan*, a large wooden palankeen or box, is not to be had, one may be sent for from Keneh. On the 1st of May I started; but as the heat of the day was intense, I only travelled at night: the route as follows:—

1st May	6 P. M.	started at 11 P. M.	halted at Bir English (well)*	13 hours	12 miles
2d	5 ditto	6 A. M.	Briggs' well	13 ditto	26 ditto.
3d	6 ditto	2 A. M.	on a plane	8 ditto	16 ditto.
4th	6 A. M.	1 P. M.	ditto	7 ditto	14 ditto.
	6 P. M.	1 A. M.	at Egheiba wells*	7 ditto	14 ditto.
5th	7 A. M.	4 P. M.	at Biremba Village	9 ditto	18 ditto.
6th	2 A. M.	6 A. M.	at Kenneh	4 ditto	8 ditto.
				53 ditto	108 ditto.

**CAUTION.**—When engaging the camels, let the owners understand they are to halt and start at what hour you please, and that they must carry plenty of water for the voyage.

Always on your own riding animal, have with you goglets of water, a commodity much required in so dry an atmosphere. The thermometer was from 64 to 110 in the tents, generally not higher than 100.

The line of road for 20 miles, hard sand and stones among low isolated hills. After passing this distance from Cosseir, you enter between two low perpendicular mountains. This defile is long and narrow, not wider than from 200 yards to ¼ of a mile, and the sides of the rocks are slatey, crumbling between the fingers. They resemble the butt-ends of large timbers that have petrified after being burnt. Amongst the hills on the first day's march, I found rock-

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\* Leghetta by the Bedowins.



salt and asbestos. The hills are composed of black rock, slate, quartz, and greenstone. I did not observe any agate, so common in Egypt, nor crystals. The water at Brigg's wells is to be had in small quantities, sufficient for a party and may be used for cooking. Four hours from hence we arrived at a pool of water (good) oozing through the rocks. Here were several dry water courses formed by the heavy rains which occasionally fall all over Egypt and the Desert. At this place, called Hammamet, on the side of the mountain, are some hieroglyphics, cut and chalked out, 49 miles from Cosseir; from hence we descended towards the plain through which the Nile flows. The rise from the sea was gradual and the wells appeared to be on the most elevated part. Before reaching Engheiba you quit the narrow pass of the mountains, and for the first time travel over soft sand. The country is hilly. Here is a dilapidated caravanserai. Near all the wells you are likely to meet with wandering Bedowins under wretched shelter of tattered mats, and coarse woollen blankets: their garments are old, in rags, full of dirt and vermin. Occasionally milk and eggs are to be purchased from them. Within a mile of Biremba, the land is flat and cultivated, which reaches to the Nile. The sand mounds and deserts form a well-defined line with the cultivated land. Keneh is a decent market town, and of some importance, being the thoroughfare for Egyptians, and western African pilgrims to and from Mecca. Said Hassain, the English Agent by firman, is civil and attentive, but like all his countrymen (Arabs in Egypt) and the Bedowins, a great beggar. Before I had been under his roof six hours, he attacked me for my *bechoba*, and some gunpowder. The first consideration on reaching Keneh, is to go to a *kumum*. Although from the crowd you meet at it, it is unsightly and repulsive to delicate feeling, the ablution is not on that account to be despised, as it is a real luxury, being a relief to the pains and stiffness in the joints after a tedious journey. At this place hire your *canjak*; the one I engaged was 54 feet by 10, with two cabins—low. My agreement was to visit Luxor and the ruins on the banks of the river to Cairo, for which I paid 25 drs. She was manned by a rais and 10 oars. It is well to make a written agreement. When settled let your servants superintend the boat being sunk under water for a few hours, then raised and cleaned out; afterwards let lots of boiling water be soused over the poop and cabin decks to destroy the *bugs*, otherwise these insects are enough to drive a person out of his senses. It is well here to remark that the Arabs on shore and afloat lie with as little compunction of conscience as Sir John Fallstaff, when making a bargain, and will laugh at any person's credulity in believing their word. They, like the Bedowins of the Desert, are constantly teasing for *bucksheesh*, which on all occasions must be disregarded. If you are disposed to indulge them, they are easily satisfied with a few paras,  $\frac{1}{20}$ th part of a dollar. This small coin it is useful to have in your pocket. Keneh is famous for its manufactory of porous water-jars of all sizes. Here purchase a good supply; let 2 or 4 be large; perforate a whole in the bottom of one, in which insert a piece of sponge, over the sponge place a quantity of clear sand, through this filter the Nile water into the lower jars for drinking and cooking. These jars are easily secured outside the fore bulkhead of the cabin. Lay in your supplies of flour, coffee, butter, and vegetables, for you cannot always depend on replenishing your wants at the towns or villages on the river. If the traveller intends visiting these, let him proceed first to Luxor; its temple is a few yards from the river. This will occupy one day to examine the ruins. From hence on the long-eared nags ride to Carnar, 4 miles distant. Let the boat drop down the river to be in readiness to convey him across to Gournah. Carnar ruins are the most extensive and magnificent in the world. When curiosity is satisfied, leave for the tombs of the kings on the western side. These excavations are more wonderful than the Pyramids of Giza. To reach them on donkeys, the visiter rides over

broken pieces of agate, rock and pebbles, between two narrow mountains, gradually ascending. They are situated four or five miles from the river. Be careful to have plenty of water and refreshments with you, so as to pass the whole day in examining the largest opened by Belzoni. Nos. 7, 9, 11, 14, are the best. At all the temples and ruins, lots of candles or *flambeaus* are required. 4 or 5 miles south of the tombs on the plain, are the statues of Memnon and temple of Medinet Aboo. Between the tombs and the boat are some mummy pits inhabited by Arabs. The entrance to the tombs and pits are over rubbish and hollows dug by the searchers after antiquities. Thirteen miles from Carnac, on the same side of the river, is Kous, where there is a Propylon and more ruins; 8 miles from hence is ancient Coptos: 8 miles further on is Kench. Opposite this town, northern side, are the splendid ruins of Tentyra, 3 miles inland. This temple is considered the most perfect in Egypt, and is worth the trouble of visiting. 24 miles off Kench, on the western shore, is Haon, near which town are the ruins of Diospolis Parva. On the opposite side of the river is *Kasres Said*—more ruins. At Haon I could not procure any refreshments or even milk. 3 miles further on is Farshout, formerly a place of importance. 30 miles from Haon is Girgah, with 7 minarets, a coptic village, and church; it is a large town falling fast into decay; bazar well supplied, and some public baths. On the hills on the opposite side of the river is one of the many coptic monasteries to be found in this country. Near Girgah are the ruins of Abydos. 10 miles from hence is Mensyah, a small village, the scite of Ptolomais Hermii. 8 miles further on is the Town of Ekmoun. On the eastern bank are the ruins of a large temple of Pannuth with Greek inscriptions.

SCITE OF CHEMSIS.—Here is a poor bazar. I purchased a few inferior apples—all fruit and good vegetables, excepting cucumbers, were out of season. Gave my boat's crew a present of a sheep to encourage them to work hard at the oars; they more delight in facetious songs, antic ribaldry and fun, than work. 9 miles from Ekmoun, eastern side, is the mountain of Shaik Erady, perpendicular: the friction of the water at its base forms cavities which give forth echoes to the songs and hollos of the people in the boats: half way up are excavations, some containing hieroglyphics, which induces antiquarians to suppose them to be the places of interment of the ancient Egyptians. In the early age of Christianity they were the residence of Monks and Anchorites. Fifteen miles from Ekmoun, I past the large town of Talbat on the western shore; here a brisk trade is carried on. 7 miles further is the village of Tenah. At both places are ruins; and opposite the latter is Gamel-kebr, on the eastern bank, where there are ruins of a temple and portico. Seventeen miles from Tenah is Siout, on the western bank, the capital of Upper Egypt. The banks here were 20 feet steep. This city is two miles inland and has 8 mosques, and a palace belonging to Ibrahim Pasha, more like a country house for a gentleman. Among the hills are crocodile-mummy-pits and ruins of temples. This city is worth visiting: a good market at 3 P. M. The land is irrigated and banked, with bridges to admit the water from field to field. Poppies, tobacco, and plenty of vegetables are cultivated here. 20 miles further on is the small town of Manfalout, on the western side. On the eastern mountain is a coptic monastery. Near Manfalout, close to the water, are many caves. The eastern mountains continue to form the boundary of the river: its quarries supply excellent lime and stone for building. A few miles further on is the mountain of El Harabee, famous for its innumerable excavations, extending many miles along the face of the steep declivities. It is so steep in some places that it is surprising they could be the residence of man, who must have derived his support from the charity of boat people passing up and down the river. These caves are of mean appearance, not more than four feet entrance.

15 miles from Manfalout is Tarout-es-Shereef, where the Yussouf Bahir or Joseph's Canal commences. This splendid work, which formerly supplied the province of Tacoun and the country to the Delta with water, is now filling up and its banks falling into ruins. Four or five miles more south is another entrance to this Canal, nearly choked with mud. On the eastern hills is a tomb dedicated to Shaik Said; here the boatmen make it an excuse to demand *buchsheesh* in honor of this saint. 30 miles from Manfalout is the city of Melroui. The houses were hid in the groves of date trees. On the eastern shore are ruins of wells and catacombs. 15 miles above Melroui on the eastern shore, is Beni Hussain, where are the grottos of the temple of Diana. Thus far I did not meet four boats each day, and no fishermen off any of the villages or towns, although the river appeared well supplied with fish. About all the large towns there were at anchor many large cargo boats, some building and others undergoing repairs. The carpenters and blacksmiths of Egypt are the poorest workmen I ever met with. At many places there are regular ferries: each individual pays his fare according to his station in life. The banks of the river are well stocked with oxen, sheep, goats, buffaloes, camels, and asses. There is very little cultivation on the eastern shore, as the mountains reach in many places to the water. This side is exposed to high sand drifts and mounds of fine sand; however every spot that can be cultivated is not allowed to lay fallow. The Nile has more serpentine turnings and sharp angles than any river I ever visited; its general breadth from 800 to 1,000 yards. It has many islands, several of which are covered with water during the inundation. As we descended, the towns and groves of date and acacia trees increased. The groups of old men, women and children washing, bathing, carrying water, form interesting objects when sailing past them. They are friendly and obliging. Minyeh, on the western side, is 35 miles from Tarout-es-Shereef, a flourishing town, with a large spinning cotton manufactory. These massy European-like buildings are to be found in all the large towns from Keneh to Cairo. They are the misapplied ambition of the tyrant of Egypt, who distresses the agriculture of the country, by seizing as serfs all the able men of the villages to work them, and to man his likewise useless navy and his army, which latter is however well disciplined, and his troops do him credit. The machinery in the manufactories must always be in disorder, for the *impalpable* dust will get into the works and injure them. The native artificers cannot repair, or at least the repairs by them are clumsy, so as nearly to render the whole unfit for use. Do what Mahomed Aly will, he can never equal the English either for goodness of materials or cheapness in his own market. But this is digressing from my subject; as I intend this letter more as an itinerary than a sketch of the Government. Minyeh is populous: here are the remains of temples and columns. To the north and south are other ruins; in fact Egypt is full of them—catacombs and excavations. Opposite Minyeh the mountains decrease in altitude. Proceeding down the river, a copt from his monastery among the eastern hills, swam off to the boat for charity; on receiving a trifle he returned to the shore and with the agility and rapidity of a baboon ascended the perpendicular cliffs and soon disappeared from sight. 50 miles from the north of Minyeh is the large town of Feshn, on the western side. It is two miles inland and has from the boat a gay appearance. The domes of the mosques and four handsome minarets were white washed. On the opposite bank at Eel Modn, are ruins. 17 miles further on is the populous large town of Benesouf. It is well here to observe that all towns, villages, &c are built on mounds of rubbish, (the refuse of more ancient ones). Round each is a grove or copse of the tame-looking date and acacia tree; few other trees are seen above Cairo. From their sameness they have a sombre appearance; still in sailing down this river, descriing the minarets and black mud houses, as you flit past them, they have an interesting effect, when contrasted with the burnt up earth and the

glaring, craggy, broken cliffs, at no great distance from the river. Here we purchased fresh supplies. Outside the town are barracks for 1,000 cavalry, built in a square. Several of the horses were picketed under a range of trees along the banks of the river. Approaching the capital, population increases; and there is a greater bustle afloat and on shore. The towns are large, built of the black sun-dried bricks of the country. The banks of the river are cultivated with melons, cucumbers, pumpkin and other vegetables. At Benesouf, there are the remains of a brick quay. On the opposite side the rush of the water is so great, that it has worn the rocks away, which gives them the appearance of massy stone quays in ruins. 24 miles north of Benesouf, on the western side, is the first Pyramid seen from the boat, opposite which are the ruins of Aphroditopolis. 15 miles further on are the Pyramids of Dasher, two in number, and appear the southern continuation of those of Sakara. Many of them resemble mounds of rubbish thrown in heaps on a rocky desert. One was different from the rest, having six ridges or steps; the top flat. All are differently constructed, and inferior in grandeur to the large ones at Giza:—the latter are opposite Cairo, *Marr*—the great.

Lions in and near Cairo. On Rhode Island visit the Nileometer on the north end of the island abreast of Old Cairo, where you take boat. The garden of Ibrahim Pasha, under the superintendence of Mr. Thrale, Botanist. Cross the water for the Pyramids of Giza, 11 miles from the river. Chicken's Ovens and Cavalry School at Giza; the Artillery College at Thoora, under Col. Liquera, a Spaniard, who is very attentive to the English, so is Mr. Gliddon, American Vice-Consul, and Mr. Galloway, Engineer to the Pasha. The English merchants, Consul-General, and his subordinates are backward in their civilities. At Old Cairo, the Roman wall, Greek and Coptic monasteries, where you are shown the Grotto, the holy family lived in when they fled into Egypt; the mosque of Amru, containing several hundred marble pillars, Corinthian order, forming cloisters round an open area; Joseph's granary, near Cairo; Mahomed Ali's Palace and garden at Subra: a palace and stables belonging to Ibrahim Pasha: a College for the instruction of the children of Turks and Arabs, at the expense of His Highness, who feeds, clothes and finds pocket money to the scholars: a Dervesh monastery: a telegraph near the northern entrance of the city, from whence a splendid panoramic view of the city and country is to be seen: the tombs of the Mamaluke Beys. Inside the city, the citadel, the Arsenal, Joseph's Well, of considerable depth in two sections: some of the mosques, one of which is an Insane Hospital, which you are permitted to enter—no admission inside a mosque: the bazars.

On reaching Cairo oblige the rais to take the boat to Boulac, the port of Cairo. Do not go to a tavern, but hire a house or some spare rooms which may be had for a trifle; your servants to cook. By writing a note to the Vice-Consul, he will send a Janissary to clear the baggage of the custom house—the same at Alexandria. When tired of Cairo hire a boat for Alexandria. Be careful not to be imposed on by examining several and beating down the price. 70 piasters is the full price to Mamoodic, the entrance of the Canal, where you change boats and soon reach Alexandria. The Golden Eagle, the best of bad inns. Private boarding houses 1 dollar per diem each person. Servant allowed 2 piasters, and, he will find himself. See Pompey's Pillar, Cleopatra's Needle—the dock yard, and a line of battle ship; take your passage on a vessel to either Malta, where the shortest quarantine is, and excellent quarters—or embark for France, or Italy, according to fancy. All the.

Levantine craft are disgustingly dirty, and their commanders care little for a person's comfort. Servants for the voyage are to be hired for moderate wages or for the run. Lay in your own mess, for an Englishman cannot mess with comfort with the master of the vessel. Do not part with your camp table and chairs, for they will be useful on board and quarantine. Allow 20 days to Malta, 40 to Marseilles.

CURRENCY OF EGYPT. Fractional parts.	ARABIA.	GOLD.
$\frac{1}{18}$ .. 1 dollar, ....	18 to 20 krus* Arbeen Fuddah	1 Venetian from 42 to 46 krus.
$\frac{1}{36}$ .. 1 krus, ....	2 half do. — Ishreen do.	$\frac{1}{2}$ do. .... 22 $\frac{1}{2}$ do.
$\frac{1}{72}$ .. 1 „ $\frac{1}{2}$ do. . .	1 quart. do. — Usbrah do.	1 coin ..... 9 do.
$\frac{1}{144}$ .. 1 „ $\frac{1}{4}$ do. . .	2 Cumsah—Cumsah do.	1 do. .... 4 do.
$\frac{1}{288}$ .. 1 { Cumsah	5 Paras — Meyrie do.	
	Fuddah.	

NOTE.—The value of the dollar and Venetian are very fluctuating, therefore in every town it is requisite to ascertain their value. At Cosseir the dollar was 18 krus Alexandria, 22 krus do. Venetian do. .. 40 do do. 45 do.

The Venetian loses from 1 to 3 krus in weight if perforated.

German crown the best coin to Cairo—afterward gold. At Alexandria, if you have a surplus of these coins, change them for sovereigns, as English money is only used at Malta. At that port you part with dollars to disadvantage. Change is only to be had at large towns along the Nile.

I was in Egypt in all June, the worst month in the year for travelling; the heat violent, the insects and vermin very irritating. The most preferable period for travelling is from September to the end of March. During the summer months, May, June, July and August, the ground is burnt up, and like the Desert unsightly and uninteresting. Throughout the country, all classes of inhabitants, particularly the Turks, were attentive and particularly honest.

Supply yourself with a good servant that can speak Arabic. A man of that description may occasionally be had at Malta or Cossier, always at Cairo and Alexandria. A *bechoba* preferable to a single pole tent—useful in crossing the Desert—in the boat the walls make good awnings. Have two well prepared large *mussucks*, or 20 gallon casks. Take care that either have been well used, otherwise new ones will spoil the water. Lots of *hoozas* at Cossier; stirrup irons and leathers; broad brim hat, if procurable; wire goggles; a thin gauze veil tied round the hat, and fastened at the back of the neck; this will keep off the myriads of flies whose stings are painful; besides they are constantly passing from the sore eyes of the inhabitants, thus conveying the virus to more healthy ones—the cause in my opinion of the ophthalmia, and blindness so common in this country. Every traveller must be guided by his own wants for supplies of coffee, sugar, (both procurable in Egypt,) tea, salted meats, pickles, vinegar—all very useful.

Bottles of chillies, curry stuff, liquor, beer, wine, &c &c., keeping in mind the less cooking the better. Common arrack for the boat's crew, a small quantity if you like to give

\* The natives call this coin krus, at Alexandria Piastre.

it them, but this is not absolutely requisite; a strong chair; one lantern in a stuffed basket; candles—plenty for the ruins; a few cooking pots, rice—(Egyptian rice not good)—preserved meat, fowling pieces and ammunition. Cotton rope to lash your baggage on the camels, two camel bags for smaller packages, and a *settrunges*.\* The Bedowins will pilfer the rope if possible. A donkey from Cossier to Keneh, 2 drs. each person ought to take two water goglets with him on his donkey or camel, as the dry air of the Desert causes great thirst. 2 leather bottles to hold bottles of wine or brandy with straps, useful. In the hot weather travel at night; cold weather during the day. During winter the nights are very cold. At Cairo many travellers engage Osman Effendi, a Scotch musselman, as Cicerone. The rooms he lets are not the most comfortable, and your servant can engage you better apartments in many houses by the day. Donkeys stand in every large street. At first choose a good strong animal to be in daily attendance. 3 krus per diem.

Along the Nile the villages are not worth visiting excepting where there are some ruins of temples. Most of the mosques in them are in a dilapidated state, affording shelter for beggars, asses and cattle. If servants or boatmen are obstinate and difficult to manage, you can get them punished by reporting their conduct to the Governor of any of the towns. Generally speaking, travelling in the country is less annoying from the natives than in most others. They unceasingly ask for *buckshesh*, *buckshesh*, reply *maufish*—(no) to which they good humouredly laugh and say "*Ince Allah*"—(God's pleasure): a few minutes after the *buckshesh* is repeated. They are poorly fed and clothed, therefore dirty and covered with vermin; and they are thankful for any kind of food from your table. In the bazaar the coarse bread is cheap, and the poor are thankful to get it as a present when you are passing through. Foreigners are respected and protected all over the country, particularly the English. European dress brings respect.

HEADS OF EXPENSE—Houses at Cosseir, bazar and *buckshesh* 3 days, drs. 6. 2 Coolie Bedowins to Keneh, 6 drs. Note. —My head servant was ill and incapable to work; and he was an Arab hired at Bombay, but did not let the Doctor know he was unfit to travel until we passed Mocha: I had eventually to discharge him at Keneh and hire a dirty, ignorant Goozeratte, a resident of that place upwards of twenty years. 10 camels, including *buckshesh* 10 drs. At Keneh house three days, drs. 2. Jann Mahomed, the Goozeratte to Alexandria, a great cheat, drs. 15. Cook to Alexandria 5 drs. Provisions and incidental expenses on the river for self, and servants drs. 15. Six days' house rent and provision at Cairo 8. Boats to Mamooddee, entrance of the Alexandria Canal 10 drs.—an exorbitant charge in consequence of the press by the Pasha for men for the navy. Further boat hire to Alexandria 5 drs. Nine days board and lodging, including wine, 14 drs. Donkey hire 3 drs. Passage to Malta and purchase of provisions, &c. 65 drs. Surplus provisions answered for the lazaretto. Andrew, servant for the trip, 12 drs. and residence in Malta. This man cooked for me on board and at the lazaretto 20 days. 10 days' residence in Malta in lodgings, including trip to Goza 24 drs. Boat hire from Keneh to Cosseir, including extra expenses 26 drs. Total drs. 222. Passage by the steamer, £ 36.

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\* Small Carpet made of Cotton.



# ACCOUNT OF THE BURMESE MISSION

WHICH RESIDED IN BENGAL FROM DECEMBER 1830 TO JULY 1833,

*Compiled from the Reports made by the Envoys to the Court of Ava, and other  
Burmese Documents ;*

BY LIEUTENANT-COLONEL H. BURNEY, RESIDENT IN AVA.

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Some time ago the Burmese Ministers obligingly gave me a copy of a journal, which had been drawn up and presented to them by the Junior of the two Envoys, who were deputed to Bengal in the year 1830, and who returned to Ava in September, 1833. This journal, which was examined carefully by the Senior Envoy before a copy of it was delivered to me, does not touch on any of the objects for which the Burmese Mission was deputed, nor does it contain any political information; on all which points the Envoys, during their absence from Ava, addressed separate minute reports to their Government. But having succeeded in procuring, through other means, copies also of most of these separate reports, I propose to draw up some account of these curious documents, extracting and translating a few of the more interesting passages, from which, I think, a much better opinion may be formed of the feelings, views, and character of the Burmese Court and Officers, than what could be derived from the most elaborate statements of a foreigner. The correspondence of the Envoys is too voluminous for me to attempt more than to give a translation of a few of the more interesting letters, and an abstract of the rest. Nothing could exceed the diligence of the Envoys in examining individuals, gathering and recording intelligence, and forwarding it for the information of their Sovereign and Government. No less than 105 different reports and statements were transmitted by them to Ava, during the first 18 months after their arrival at Calcutta; and the portion which I possess of their correspondence, having selected only the more important and curious papers, fills 7 volumes of the Burmese black paper books. Unfortunately, however, the tenor of all their letters, and of all the intelligence which they forwarded to their Government, is of the same character, consisting of absurd reports of serious embarrassments or fatal disasters, caused to the British Government by Runjeet Sing, chief of the Punjab, who is styled by the Envoys Yanzidatshein, King of Peenja Laho, and is made the hero of every tale which promises the approaching downfall of the English power in India. The Envoys seem to have become acquainted with, or listened to obscure and needy adventurers only, who, discovering the kind of intelligence that the Burmese most wished to hear, made no scruple of fabricating the most extraordinary tales, adverse to the power and character of the English. Some idea of the feelings and secret wishes of the King and Court of Ava may be formed, by observing the peculiar kind of intelligence which their agents so diligently collected and forwarded to them from Bengal; but I owe it to justice to declare, that several of the more intelligent Burmese Ministers gave no credit to these tales, and one individual particularly, the late Woongyee of Rangoon, repeatedly wrote up to Ava, pointing out the folly of their Envoys listening to the falsehoods that Hindoos and Musulmans of bad character were relating to them.



When I first succeeded in persuading the Ministers of Ava to depute a Resident on their part to reside in Bengal, in pursuance of the 7th article of the Treaty of Yandaboo, I was in hopes that the measure would ensure at Ava much correct and useful information, regarding the power, resources and character of the English; and the Burmese Ministers themselves, in one of their last dispatches to the Envoys, dated 3rd August, 1832, of which I have a copy, observed as follows: "You have not visited those places only which former Envoys visited; you have had an opportunity, through the royal favor, of seeing the whole of Hindoostan, and the extremity of the English territory. Major Rurney, when he left Ava, took with him a picture of the royal palace, and complete representations of the equipage and dress and honorary distinctions of our different Ministers and Officers. Both of you also must draw and prepare sketches of the routes by land and water above Bengal, and full representations of the customs, manners, and forms of eating, dressing, &c., in the various places you have visited." But although no Burmese Officers ever possessed such opportunities of acquiring new and useful information as the late Envoys, I fear their journal and correspondence will show that none could have less availed themselves of such favourable means. On enquiring, when I met them at Rangoon, on their return from Calcutta, whether in conformity with the advice which I had given them on their departure from Ava, they have kept a diary of all that they saw and heard in Bengal, for the information of their friends and men of rank in this country, they answered, "we have not been able to write down more than a portion of what we saw and heard, but when we reach Ava, we shall write the remainder, which is in our *belly*," the sent of memory with the Burmese.

These two individuals are men of influence or consideration at Ava, although the senior holds a higher rank in the Burmese Peerage, than any person who was ever before deputed to Bengal by a King of Ava. Among the Indo-Chinese states, it is well known, that Ambassadors are only considered as bearers of royal letters; and, no man of any real consideration in his own country is ever employed on such a service. At the time these Burmese Envoys were appointed, I openly expressed my fears to the Ministers, that the principal Envoy did not possess the necessary qualifications, and recommended them to select some individual, who had lived and associated with Europeans at Rangoon; which place may really be considered as the Burmese university; for all the most intelligent men you meet with in this country have resided there for some time, and have had their minds and views enlarged, by acquiring some knowledge of European countries, customs and manners. The Ministers could only assure me, that they would have the Envoy relieved, if after a short trial in Bengal he was unfit for the situation; but the real fact was, they had nothing to do with the selection, which was made within the palace, where, it is believed, a handsome present had, as usual, been received for the appointment by the highest female in the kingdom. As one instance of the ignorance which this Envoy displayed regarding the country and people to which he was going, I recollect his coming to me one day just before he left Ava for Bengal, to ask me, whether carrying with him a supply of *Chinese needles* would not enable him to make acceptable presents to our public officers!

The family name of the principal Envoy is Moungh Shwe, and his title *Mengyee Maha Tsee-thoo Mengyee*, or great chief, being the title held by *Woongyees* and first Ministers of state also. He held several offices during the late King of Ava's reign, such as *Mye-dain*, or land measurer, and *Myet-ye-woon*, or superintendent of a special river police; and before his appointment as Envoy, he was employed within the palace as a *Twen-thenwoon*, or superintendent of certain inhabitants who serve periodically, and by rotation as attendants and workmen within the precincts of the palace. Among his

own countrymen he bears the character of a man of reading, and one particularly conversant with Burmese history and geography. He is often called at Ava by his former title of *Tscini-gyauden*.

The family name of the junior Envoy is Moungh Bigos and his title *Men Lha Nanda-gyauden*. He was formerly employed as a *Tseet-ke*, or military lieutenant and superintendent of police, at Martaban and Tavoy, and as an *Akouk-woon*, or collector of customs, at Yamhyé or Ramree. Before he proceeded to Bengal, he held the office of a *Tsare-daugyee*, or clerk to the Ministers, an office which he still holds. To do him justice, however, he always appeared to me more intelligent, acute and inquisitive than the principal Envoy, although the latter would not allow him to display his talents during their residence in Bengal. Among his own countrymen this junior Envoy also has the character of being well read in Burmese history, and he is said, moreover, to be a great adept in alchemy, a science which is in great vogue at Ava. The Burmese gave these Envoys the same designation in their own language, as that by which the British Resident is known, *Aye-baing*, which means "possessing authority in some public business," and corresponds perhaps nearest to our word "Commissioner."

At the time these Envoys were to leave Ava, I was very anxious to have the overland route from the Erawadi to Arracan cleared and re-established, and I persuaded the Burmese Ministers, therefore, to depute their Envoys to Bengal by that route, offering to appoint my assistant, Captain George Burney,\* to escort the Mission to Bengal, and promising, that a steam vessel should convey it from Akyab to Calcutta.

The official instructions furnished to the Envoys on their departure from Ava, are by no means so curious as might have been expected, probably, because, for six weeks or two months before they left Ava, they were in daily communication with the Burmese Ministers. One of the principal objects of the Mission, to obtain from the British Government a retrocession of Arracan and the Tenuassarim provinces, appears to have been only verbally communicated to the Envoys, who, however, had ample means of knowing, that such an object was very much desired by their Sovereign, and that if it were attained by their means, they would be sure of receiving the highest degree of credit and royal favor. The following is a translation of the official instructions :

"Summary of instructions given, agreeably to His Majesty's orders, to Maha Tseethoo, by the Atwen-woons of the Byédaik and the Lords of the Lhwot.†

"On your arrival in Bengal, you must make the usual enquiries of civility agreeably to the rules of friendship. If they make any enquiries in the same manner as we did on the arrival of Major Burney at Aya, you must answer that through the grace of God, your master, the sun-descended King, is well and happy.

"If they enquire any thing regarding Major Burney's first arrival, you must answer, that when a report was received from the Rangoon Woongyee, of letters having arrived

\* This Officer executed the troublesome duties annexed to the charge of these Burmese Vakeels, for a period of three years, with remarkable prudence, temper and ability; and it is much to be regretted, that the regulations of the service, limiting the number of Captains to be absent from a Corps on staff employ, now deprives the Government of the services of this Officer in the Political Department.

† The Bydaik is an apartment of the palace, and the office of the inner Ministers or Atwen woons. The Lhwot or Lhwottaw is a separate handsome building, where the principal Ministers or Woongyees, daily assemble, to hear appeals as well as to confer on matters of state.

with the intelligence that Major Burney was coming to the capital with presents, the Ministers transmitted orders to the Woongyee, directing him, as the two countries were on terms of friendship, to receive and forward Major Burney in a suitable manner, supplying him with boats, men and conductors to convey him to the capital. The Woongyees also deputed a Woondouk and Tsaredangyee to meet and receive him before he reached Ava.

“ Major Burney and the people with him were granted a brick house and provisions on their arrival, and were comfortably settled and accommodated, from the beginning of the month of Katshown 1191, (23rd April 1830.)

“ You must explain, that on Major Burney's arrival, a report having been received from the governor of Khambat, and chief of Kendat, (a fortified chokey on the Khyendwen, the Genduh of Dr. Buchannan's map) of the English officers in Munipore having issued orders, and sent a letter, directing all the inhabitants residing within the jurisdiction of the ancient royal territory of Thounghwot, to cross over and remove from thence to the eastern bank of the Khyendwen, the Ministers represented to Major Burney, that as the two parties had not before come to a settlement, and the discussion had to be continued, some collision and dispute would occur with the Cassayers, if they exceeded their present limits. Major Burney replied, that he would send to prevent dispute and collision, and to invite to Ava one of the English officers residing in Munipore, and also to see, whether there is such a river as that called the Nantwee. The Woongyees deputed two royal pages, with two persons appointed by Major Burney, who went and saw the Nantwee river, and brought Captain Pemberton to Ava. On his arrival, the Woongyees, Atwen-woons and Major Burney, discussed all points relating to the territory, when the records of the different kings, the historical works, and extracts from stone inscriptions and old writings, were displayed. A note made by both parties as to what is called the Nantwee river is also in the possession of both.

“ You must state, that on the 25th June, 1830, were forwarded by the way of Arracan as well as of Rangoon, extracts from the examinations, which were made in the year 1145 (1783) and lodged in the royal archives, of the chiefs of the different towns and villages situate along the eastern side of the *Yoma-toung* range of mountains, and to the eastward of the Nantwee or Khyoung-magyee river, proving that the boundary line extends to the westward as far as the *Yoma-toung* range. You must examine repeatedly the copy which you have of the letter forwarded via Arracan on the 25th of June, and impress its contents on your minds, so that you may be better able to speak in conformity with them.

“ Again, when Captain Pemberton arrived from Munipore, the above mentioned extracts, and others from the histories and records of different kings, from stone inscriptions, from the account of the building of Ava, and from various other old writings, were examined and discussed, and translations of the whole were made into English, in order that they might be better understood. It was also clearly explained to Major Burney and Captain Pemberton, that with a view to keep the Cassayers quiet, and to prevent the friendship between the Burmese and English from being broken, the *Yoma-toung* range of mountains to the westward of the Khyoung-magyee, ought to be fixed as the boundary line; all to the westward of that range forming the territory of the Cassayers and *Mweyens*, and all where the streams flow down towards the eastward, forming a part of the Burmese kingdom; and that when this is done, the territory of the Cassayers will be correctly marked, and the friendship between the Burmese and English will increase, and become permanent. Letters from the Ministers and from the resident, Major Burney, were delivered on

the 13th Sept. 1830, to Captain Pemberton, who was allowed to proceed to Bengal by the route of Arracan, and furnished with horses and escort as far as the territory of Arracan. You must state, that this subject will be understood if the letter and extracts from old writings and stone inscriptions delivered to Captain Pemberton, are thoroughly examined. You must repeatedly look at the same documents, of which you have a copy, as well as at all your other instructions, to fix them in your memory, so that you may be better able to speak in conformity with them.

“ Further, if the English Woongyees now again state, that we did not discuss the Munipore question in the year 1190 (1829), agreeably to the agreement originally made, but broke that agreement, and that much delay has occurred, you must observe, that no delay has occurred, and that we have made representations regularly every year, in 1189, 1190, 1191, and 1192, and that we were proposing to depute an Envoy to the English Chief on this very subject, when we heard that Major Burney was coming, which intelligence alone induced us to wait.

“ If they say, that the agreement made in 1190 to meet was broken, and an incorrect map sent to them, and that in consequence of our breach of promise, the boundary line was marked as far as the Thanlawadeg or Khyendwen in the sketch forwarded to us; you must say that this sketch was not prepared by both parties in concert, and that we did not break the agreement. A letter was sent to the English Officer, Captain Pemberton, observing that we should be able to discuss in 1191, the matter which we had not been able to discuss in 1190. The Woongyees also sent a letter to the English Chief, for the English Officers in Munipore to forward, and no answer to that has been received. The Officers in Munipore returned an answer, that the discussion must positively take place at the expiration of 318 days from the 7th day of the waning moon of Taboung, 1190. This reply has been shown to Major Burney and Captain Pemberton. You must also say, that with respect to the map, there was a mistake in preparing it only, but that the real question is, whether the original subject matter is true or not.

“ When the specified period of 318 days expired in 1191, the Woondouk Maha Mengyau yaza and a Thandanzen, were appointed and deputed to the frontiers of Munipore, but at the conference with Major Grant and Captain Pemberton, they were not allowed to say any thing; they were told that the English chief had fixed the boundary in the sketch forwarded to us, that no discussion could be attended to, and that they (the English Officers) had only to mark the boundary and return, which they did. The Ministers considering that if the English Officers were then told not to mark the boundary, and were prevented and driven away, a misunderstanding might occur between men of rank and great countries, through the conduct of inferior persons, sent orders therefore to withdraw, and recalled those whom they had deputed.

“ You must accordingly repeat, that when this Munipore question is settled, in such a manner as the Woongyees and Atwen-woons have fully explained to Major Burney, so that good may attend the future as well as the past, and the Cassayers kept in peace and quiet, then the two countries will be able to increase in friendship.

“ Further, you must explain, so that the English Chief may fully understand, that we have numerous histories, showing that the Burmese Kings who have reigned at Ava, have successively occupied the country of Munipore Kathec, which has always been subject to them; but that now, in the Treaty of Peace between the English and Burmese Chiefs, which was made at Yandaboo by their respective Officers of rank, it is stated, if

Gumbheer Sing desire to remain in his own country and govern it, he shall be allowed to do so, without being molested by the Burmese King. It is not stated there, however, that Gumbheer Sing shall be independent and distinct. Let him remain in peace and quiet, and for having obtained so much, he must be thankful to the English Chief. But if, notwithstanding this favor, he does not remain quiet, but proposes to molest the ancient empire of Ava, his object must be to destroy the friendship which has been established between the English and Burmese Chiefs, and between their two countries.

“The Burmese and English Chiefs have become friends, and the English Chief knows what the territory of the Cassayers is (how insignificant). If they remain in peace and quiet, the Woongyees and Atwen-woons have determined to allow them to remain so, in consideration of the friendship which subsists with the English. But if they do not remain quiet, and if the English Chief will consider, as it would be proper to consider, that the English and Burmese are friends, and that with respect to Munipore and Gumbheer Sing, the Burmese and Cassayers may do as they like, the Yandaboo Treaty having stipulated that Gumbheer Sing shall remain in his own country if he desires it, and not that he shall be independent, or that his territory shall be divided off, we shall feel obliged to the English Chief.

“If he replies, let it be so; request that this may be stated intelligibly in a letter, so that you may be able to report the same distinctly to Ava.

“With respect to the territory of Martaban, it is stated in the 3rd article of the Treaty of Yandaboo, that if hereafter there shall be a dispute about the boundary, let men appointed by the Burmese and English Chiefs decide correctly, according to the ancient limits.

“In the 4th article, it is stated, let the Salneen river be the boundary: if hereafter there shall be a dispute about the boundary, let it be settled as above specified. This being mentioned, we desire to have the boundary between the territory of Martaban and Yé marked off.

“You have been furnished, in order that you may examine and consider the same, with the examinations made in the year 1145 (1783), in the reign of his Majesty's grandfather, respecting the territory of Martaban and the boundary marks of the Province of Yé.

“There are 32 districts in the Province of Martaban, and the map you have, shows how far to the northward of Yé town, the Province of Yé extends, and what places join with the town of Lamain belonging to Martaban.

“Not only the four provinces of Yé, Tavoy, Morgui and Tennasserim, with their dependencies have been taken possession of, but all the towns and villages belonging to the province of Martaban, lying to the eastward of the Salneen river, as well as Bhilugywon (Poo Joon) situate to the westward.

“The meaning of the concluding portions of the 3rd and 4th articles of the Treaty of Yandaboo, stipulating that, if hereafter there shall be a dispute about the boundary, let men appointed by the Burmese and English Chiefs decide correctly, according to the ancient limits, was this: at the time peace was concluded at Yandaboo, some of the boundaries then fixed were correct, and some incorrect, and, therefore, considering that hereafter more or less, and not according to the true boundary might be taken, and require to be

pointed out as not right; it was with reference to what might thus happen in future, that this clause directing the matter to be decided according to the ancient limits, was introduced. By examining thoroughly the conclusion of the 3rd and 4th articles, this subject will be understood.

“ With reference to the various parts of your instructions, you must apply them whenever they may be applicable. And if any thing appear or be said, to which these instructions do not apply, you must examine, and reflect on the whole of your instructions, on all that has been said to you, and on all that is contained in the copies of the papers you have, and speak with care and attention, without saying too little or too much. Whenever an opportunity for conversing pleasantly arrives, you must say, that the two countries have become friends; there is no cause for either distrusting the other, and every thing is right and quite; but by stationing people in the English country great expense is incurred in maintaining them, and the English Chief also cannot station people in the Burmese country, without incurring much outlay in money and necessaries. The two countries have no cause for distrusting each other, and therefore it would be better for the English and Burmese Chiefs to withdraw the men stationed by each, and to send royal and friendly letters to each other, once in five years, and in this manner keep open the communication and intercourse between the two countries, and cultivate friendship.”

I now proceed to abstract from the journal of the Junior Envoy.

The mission left the city of Ava, by water, on Saturday the 9th of October, 1830, and arrived at Memboo, a village on the right bank of the Erawadi on the 18th. The Envoys ought to have reached that place in four days after leaving Ava, but the truth is, they stopped at every pagoda which they met with on their route down the river, in order to offer up their devotions, and pray for a safe return, from what they considered at the time a most hazardous service on which they are going. The whole of the baggage belonging to the Envoys might then have been placed in one small boat, but when they returned to Rangoon from Bengal, five large sized boats could not contain the curious assortment of goods and baggage they brought back with them. At Memboo the mission stopped two nights, waiting for the arrival of an officer from the principal town in that quarter, *Tsalen*, and on his arrival with the horses and carts necessary for the conveyance of the Envoys and suite, they landed and marched to *Tsa-goo*, another village lying inland, about 3 miles distant from Memboo. Here the mission appears again to have stopped, in order, as the journal states, “ to complete the provisions and number of horses and coolies.” But it appears from several reports transmitted at the time to Ava, that on their arrival at *Tsa-goo*, Captain Burney expressed a desire to strike off from the direct road to the Aeng pass, and pay a visit to Mendoun, the principal city on the Arracan frontier. The Envoy states, “ we opposed Captain Burney as much as we could, but unwilling to have a quarrel, and desirous also of knowing what his real purpose was, we consented, arranging that his baggage and interpreter, and half the number of his sepoys, should be left with us, in order that we might examine them; that our interpreters should accompany him, and notice all that occurred, and that we should all meet again at the town of Maptré on the 28th of October.” Captain Burney’s interpreter was a lad of Armenian extraction, who had been engaged near Rangoon a few months before, when Captain Burney was on his way up to Ava, and the Envoys boast of having won this lad after his master’s departure, and persuaded him to give them very important information, which they embodied in long statements in writing, and forwarded to the Ministers at Ava. On the day the mission left Ava, a boat manned by Bengal lascars had brought me some dispatches from Rangoon, and to a question put by the Envoys, as to the nature of these

dispatches, Captain Burney's interpreter informed them, that he had not learned their exact purport, but that he believed them to be of the most unpleasant nature, as I had looked exceedingly grave and sorrowful after perusing them. Two or three days after the Envoys left Ava, a war boat had been sent to overtake them, and convey to Captain Burney a packet from me, containing a watch which the King of Ava had requested me to forward to Calcutta, for the purpose of having it repaired; and to a question from the Envoys as to the contents of the letter which Captain Burney had then received from me, the interpreter answered, that I had directed Captain Burney not to convey the Envoys to Bengal, or to let them see or converse with any one in Arracan, but to ship them off at once from Kyouk-phyoo for England, to the king of which country, I had said, these Burmese Envoys would be great presents from Captain Burney and myself! Mr. Maingy's interpreter, Mr. Cotton, who had been serving under me at Ava, left it a few days after the Envoys, and overtook them at Memboo, and to a question put to Captain Burney's interpreter as to what had passed between Captain Burney and Mr. Cotton when they met at Memboo, he replied, that he saw them whispering earnestly together, and appearing highly delighted, and heard Mr. Cotton cry out, "we have got hold of a Burmese Woongyee and Woondouk." The interpreter further said, that Captain Burney had gone to Mendoun, in pursuance of orders which he had received from me, directing him to visit that town, and survey and make a sketch of the routes to it and of the country in that quarter, and to endeavour to form a good understanding with some people who had fled from under the Burmese rule, and were living at a place called Kywé-loo-taza. Captain Burney's interpreter communicated to the Envoys many more details of an equally absurd but alarming character as the above, but in consequence of the explanation which he gave of the real objects of Captain Burney's proposed visit to Mendoun, the Envoys determined on putting a stop to that measure, and taking advantage of a letter which they had just received from the Ministers at Ava, written at my suggestion, to urge the Envoys to make more expedition in their journey, they sent an express horseman to recall Captain Burney, who, the Envoys report, was found 4 miles to the southward of Maphé at the village of Pyan-gyee, and brought to Maphé, where the Envoys and he met again.

On the 26th October the Envoys left *Tsa-goo*, and after crossing the *Man* river 15 times, under 15 different names, arrived at Maphé-myo, which is the Burmese frontier town towards Arracan. Trant, in his "Two years in Ava," gives an account of *Tsalen*, *Man* river and Maphé, under names of Chalen, Mine and Naphé. The journal of the Envoys does not state in how many marches from *Tsa-goo* they reached Maphé, probably in two or three, nor does it mention having stopped at the celebrated place of worship called *Shwo-zet-tan*, (Trant's *Shoechatch*), from which point the route of the mission lay exactly over the same road as that by which Major Ross's detachment marched into Arracan at the close of the late war. *Shwo-zet-tan*, meaning the impress of Gaudama's foot, is considered by the Burmese as the only spot besides Ceylon, which contains a genuine impression of Gaudama's foot, and here are two impressions, one on each side of the *Man* river. It would take up too much space were I to attempt here to describe the 108 marks which are said to have existed on the soles of Gaudama's feet, and which are represented on these impressions at *Shwo-zet-tan*, as well as on imitations of them in various parts of Burmah, and in reference to which number the Burmese rosary contains 108 beads.

Maphé is close to the foot of the highest range of the Arracan mountainous frontier, and is considered by all Burmese as one of the most unhealthy spots in their kingdom, yet the Envoys, with that dilatoriness and ignorance as to the value of time so characteristic

of a Burmese, remained here five or six days, "preparing and arranging," as the Journal states, "letters, horses, coolies and provisions for crossing the Yoma-toung, or great line of mountains." The Mission left Maphe on the 3rd of November, and after passing through the village of Doo, and crossing a stream bearing the same name, as well as the Man river again 34 times, and the Kheng rivulet close to the foot of the Yoma-toung, stopped for the night at a halting place called Kheng. Before day-break on the following morning, the Mission commenced to ascend the Yoma-toung with torches, and at noon arrived at the summit, at a spot called Nat-ye-gan (Fairy Tank, Trant's Nairigain), and a little before sunset, it reached the western foot of the range, and stopped for the night at a halting place called Ro-gye, probably Trant's Kôrosekrie. The next day the Mission marched to a halting place called Nghet-tsa, and the day after stopped at a *chokey* called Tharwot-wa-ken, Trant's Sarowah, on the banks of the Aeng river. Here Capt. Burney left the Envoys, and proceeded by himself down the Aeng stream to Aeng, in order to make arrangements there for the conveyance and accommodation of the Envoys. The Mission remained three or four nights at Tharwot-wa-ken, when a party of about 50 men arrived from Aeng, and constructed bamboo rafts, on which the Envoys and suite were floated down to Aeng, which place the Burmese, however, call An. The Mission arrived at An on the 16th November, having been no less than a month and seven days from Ava. Captain Pemberton, who had left Ava to travel by the same route in the month of September, of the same year, and before the rainy season was over, reached An in 15 days.

At An the Mission stopped two nights, and on the 18th November, embarking in several row-boats, and Arracanese boats, which had been sent for its accommodation from Akyab, by Captain Dickenson, the Superintendent of Arracan, arrived on the 21st of the same month at the principal civil station in Arracan, *Akyab*, called by the Burmese, however, *Tseet-twe Kywon*, or *Tseet-twe island*. The Envoys waited at Akyab 12 days. Their Journal gives no account of the place or people; but the following is a curious report on these points, transmitted at the time to Ava in a separate letter. "6

"Memorandum of intelligence collected regarding the affairs of the four Provinces of Arracan, and of England and Bengal. . . .

"On the 5th of November, 1830, when we arrived at Rogye, in the territory of Arracan, beyond Nat-ye-gan, a great many paddy-birds flew over the village of An, from the eastward to the westward. On the 6th, when we reached Nghet-tsa, a great many crows passed in the same direction. On the 7th, when we reached the chokey of Tharawot, a great many kites crossed in the same direction. The thannadar of An, in consequence of such extraordinary flights of birds, having examined old books and astrological works, observed, *we English have not long to remain in this place; it will be conquered by the Burmese King from the eastward*. The thannadar's interpreter, who heard him say this, repeated it to us, and Othoogyee Nga Ban (a well known chief of Shan Caravans) came and told us the same thing. The head of the thannadar's people also, called Zemaha (jemadar) came and said to us: *Pray, remember my face and assist me hereafter if any thing happens*. On enquiring from the men and women of An, whether all this was true, or only said in compliment to us, and the whole of them confirming it, we went ourselves and solicited information from a priest residing in the village of An, who is 50 years of age, of which he has been a priest 30 years, and he replied, that what we had heard was true. . . .

"Further, three huge hills, which had always stood in the island of Myeboun, to the eastward of Geetsapa suddes, near Tseet-twe island (*Akyab*), having spontaneously



broken to pieces and become a complete sand volcano, we learnt, on enquiring the cause of this extraordinary phenomenon, from men versed in prophecies, and from old and learned men in Arracan, that in the Arracan records there have always been two dragons, an Arracanese and a Burmese dragon, and that the result of astrological calculations shows, that the Burmese dragon having now moved, was the cause of the hills falling. As it is further predicted, that thus Arracan will become the kingdom of the Burmese Sovereign, the Prince Nga Shwe Ban informs us, that the *Myo-thoogyee* of Arracan, the *Thoogyee* of Akyab, and all Arracanese who have come from Panwa (Cox's Bazar), are alarmed, and say *we shall have once again to quit this country*. The Burmese Nga Phoo, with many other men and women, have severally told us the same as Nga Shwe Ban.

"Further, the Mywoon's interpreter has repeated to us exactly as the assistant to the Mywoon, a man called *Tsanla-that* (Mr. Charles Paton, Junior), distinctly mentioned, that the King of England died two months ago, and having no son to succeed him, an unmarried daughter of 24 years of age has become the sovereign, whilst a younger brother of the late King, with the office of Goombhauee gyee, (great Company) transacts all public affairs. On considering what *Tsanla-that* thus states, and what appeared in the examinations formerly made of the interpreter Nga Shwe Monny (Captain Burney's interpreter) that on the 8th of October, the day on which we left Ava, Major Burney's and Captain Burney's countenances were downcast, and full of thought, after reading the letters which had been brought by the boat that came up from Moulmein, it may be supposed, that the death of the King of England was the cause of their countenances appearing sorrowful.

"Further, about the time we left Ava, the Mywoon called *Patton-that* (Mr. Patton) being extremely unwell, placed *Deeshein-that* (Captain Dickenson) as his substitute at Akyab, and died on his way back to Bengal. In Bengal also all the Hindoo sepoys inform us, that the person called Goombhane (Governor-General) has proceeded to the westward, in consequence of the Moung Kwot (Shiks) having assembled a large force, and we hear from the Captain and officers of the steam vessel which has come to convey us, that they have brought letters stating, that this vessel will return here quickly, to remove to Bengal all the sepoys fit for service, among the Hindoo sepoys who are stationed to guard the four Provinces of Arracan.

"Further, on enquiring particularly what assessments and duties are annually paid by the Arracanese and Burmese residing in these four Provinces of Arracan, we discover, that every married couple pays 6 rupees, and 2 rupees for each child, male or female, that has attained the age of puberty; a widow 2 rupees; 1 rupee for every four heads of cattle or buffaloes, whether fit for the plough or not; 8 rupees for every boat; 1 rupee for every "pay" (560 cubits square) of garden land; 8 rupees for every piece of paddy land which can be cultivated by one pair of cattle; 2 rupees for every small shop; 5 rupees for every large shop; 1 rupee for every loom; 1 rupee for every small fishing net; 4 rupees for every large sweep net; 3 rupees by each Nat-wen (dancing girl, who attends a sacrifice to a Nat); 3 rupees by each medical man; 3 rupees by each astrologer; 1 rupee for each cart; 6 rupees for each pair of bellows belonging to a gold or silversmith; 4 rupees for each pair of bellows belonging to a blacksmith; and 6 rupees for each married couple of slaves. As various duties have thus to be paid on different accounts, besides the original 6 rupees on each married couple, the minds of the poor people are not easy.\* The amount of rupees collected

\*It is right to state that I am assured, that the Burmese Vakeels were misinformed on some points, and that the system of taxation in Arracan has undergone considerable improvement, since the date of their visit to that territory.

in the different places, is as follows:—1,90,000 in Arracan Provinces; 1,50,000 in Ramree; 70,000 in Sandoway, and 60,000 in Cheeduba, making altogether 4,70,000. All this money is expended in paying the monthly salaries and amount of hire to the different principal officers, the chiefs of the islands, the town and village head men, the thannadar, zamada, ahanda (havildar) amanda (amildar or naick), the sepoy and *pyadas*, and there has been nothing to remit to Bengal in any one year.

“Further, at the time the hills in the island of Mye-boun broke down, a party of Arracanes, who were alarmed, went to the spot with two candles, calling one the Burmese and the other the *Kula* candle, and made an appeal to fate, saying, if the Burmese are to conquer, let the Burmese candle burn, and if the *Kulas* are to conquer, let the *Kula* candle burn. The Burmese light continued, but the *Kula* light went out.

“Further, the Arracan Prince Uga Shwe-wan says, that the following taboung\* has appeared.—

<i>Kulá Kulá mé zein tsá.....</i>	Kula Kula, eater of raw flesh,
<i>Pé ben det ga kya thee, dalan gyá.</i>	Has fallen heels over head from the Pé tree ( <i>Pé</i> is any leguminous plant.)
<i>Kula lee thé.....</i>	The Kulá is dead.
<i>Pé lee Kyé.....</i>	And the Pé tree is withered.

“The learned men in Arracan say, that the meaning of this taboung is, that *Pé* is the Pegu and Burmese tree, the *Kulas* have before overcome the Burmese, but as now the Burmese will conquer, the *Kulas*, it is said, will fall heels over head from the *Pé* tree.

“Further, on enquiring what sepoy there are in the Province of Arracan, we learn, that there are 830 at Akyab, 500 at Kyouk Phyoo, in the jurisdiction of Ramree, 100 at Sandoway, 20 at the Chokey of Tharawot, 20 at the Chokey of Dalet (Talak), and 30 in Cheduba, making a total of 1,500 sepoy.”

Before leaving Akyab, the Envoys addressed the following letter to the Lhwot-tau or Council of Ministers at Ava.

“Your slaves (we) Mangyee Maha Tsee-thoo and Tsare-gyee Men-lha-nanda-gyan-den receive your orders (submit). Taking into consideration the affairs of Arracan and the proceedings of the English officers, we are of opinion that his Majesty’s wishes respecting Arracan will be fulfilled, but that it will take a long time if we propose to obtain this point for nothing. If the English propose to negotiate (the retrocession of those Provinces) for money, we might, like throwing stones found in the jungle at jungle fruit†, calculate how many years of the Arracan revenue, levied in the same manner as the English are levying it, would be sufficient to settle the business, and accomplish his Majesty’s wishes. Should his Majesty approve of this plan, send back instructions to us by Shwe-doung Nauratha to enable us to negotiate the matter. It appears to us, that it would be proper for the King to estimate, and take into consideration in the same manner, the annual revenue of Maulamyain, Tavoy, Mergui, Yé and Tinnasserim, and to negotiate that point also with reference

\* A taboung consists of certain words, generally a kind of doggrel verse, supposed to be supernaturally prompted by a *nat*, to some person in this world, often to a child.

† *Tau thet thee go tau oak h,he when post thee.* This is a Burmese proverb, something like our phrase of fighting a man with his own weapons.

to the revenue realised: If his Majesty decide, that it would not be proper to talk about money, but that we must attain these objects for nothing, we shall carefully place his Majesty's orders and instructions upon our heads, and exert ourselves to accomplish the royal service."

The Honorable Company's steam vessel *Irrawaddy*, Captain West, was sent from Calcutta to receive the Mission, which embarked on board the vessel, and left Akyab on the 2d of December, and arrived off Baloo-ghaut at Calcutta on the 6th. The journal attempts no description of the steam vessel, nor of the impression which the first sight of Calcutta must have made on the Envoys. On the following day the mission disembarked, and took possession of "a three storied house at Bhaleegan (Ballygunge) to the southward of Calcutta, which was allotted for its accommodation, whilst Captain G. Burney occupied a two storied house to the south east, close to the other house, and superintended and watched. Shortly after Captain Burney came to the house of the Envoys and said, that sepoys and a gate keeper must be placed to guard the house and gate, in order to do honor to the Burmese chiefs, and placed 12 sepoys and a *darawoon* (durwan) to guard, so that little people might not go out without orders, or permission. Twenty days after, two English carriages, with two horses each, and with drivers, and axletree guards (*sacceses*), complete, came daily to the house, in order that the Burmese chiefs might take gentle air (take an airing.)"

On the arrival of the Envoys at Calcutta, they presented the following letter from the Burmese Ministers to George Swinton, Esq., Chief Secretary to Government.

Their Excellencies the great Ministers, who transact all affairs of the kingdom, bearing continually on their heads the two golden feet, resembling the pollen of the lotus, of his most glorious and excellent Majesty, who rules over Thunaparanta, Tampadipa and other great kingdoms to the eastward, and over many umbrella wearing chiefs, Lord of the Tahaddon elephant and proprietor of many white elephants, Lord of life and great chief of righteousness, address George Swinton, the Minister of the English chief who rules over India, and great kingdoms to the westward.

Letters from the Ministers were forwarded to the Minister George Swinton, by Arracan and Rangoon on the 6th day of the increasing moon Wazo 1192 (25th June, 1830), apprising him of all the discussions relating to the boundary of Munipore, and that Major Henry Burney, whom the English chief had deputed as resident in pursuance of the 7th article of the Treaty of Yandaboo, stipulating that in order to perpetuate friendship between the two countries, the English and Burmese chiefs should appoint and send officers to reside, had arrived at Gatanapoor, the golden city of Ava, in the month of Ratshoun 1192 (April 1830); that he had been met and received in a proper manner, suitably to the friendship subsisting between the two great countries; that a brick house for his residence, and daily rations had been granted to him, and that he, together with the public presents, had been introduced into the palace on the 12th day of the increasing moon of Nayon 1192 (17th June 1830). Subsequently the Resident, Major Burney, has been introduced into the royal presence, and allowed to pay his respects.

For the purpose of residing in the western country, his Majesty has appointed and vested with suitable powers, the Tuen-then Woon Mengyee Maha Tsee-thoo, a man of sense and prudence and of various talents, who proceeds with a royal letter and presents, on the 1st day of the decreasing moon Tha-den-gywot (2nd October 1830). The Tsare-dau-gyee Maha Lha Nanda-gyan-den, also a man of various talents, accompanies

the Twen-then Woon, to assist and consult with him. The Twen-then Woon will represent all that he has been instructed to do on the subject of prolonging and perpetuating friendship between the two countries. He will record minutely, and submit here whatever may be the wishes of the English Chief and the answers of the English Ministers, thus has he been instructed. With an officer of rank, possessing talents which render him capable of supporting responsibility, and settling every thing pending between the two countries, great advantages will be derived. Let the Minister George Swinton, after taking into consideration every thing that is calculated to promote the future advantage of both countries, and to prolong friendship, submit the same to the English Chief. In the same proper manner as the Resident, Major H. Burney, has been received and treated, let the Twen-then Woon and the Tsare-dan-gyee be received and treated. This is what we have to state."

Dispatched from Ava on 9th October, 1830.

The following are translations of the first reports addressed from Calcutta by the Envoys, to the King and court of Ava.

#### TO THE KING OF AVA.

" Your slaves Mengyee Maha Tsce-thoo and Tsare-gyee Men Iha Nanda gyau-den, make obeisance from under the excellent golden feet, and place the royal voice or mandate upon their heads (most humbly and respectfully submit).

" Leaving Akyab in the steam vessel on the 2nd of December, 1830, we arrived in Bengal on the 6th. In consequence of the Goombhane (Governor-General) not being in Bengal, having gone to Hindostan, we have not been able to say any thing regarding our business, or to deliver the royal letter. The officers who are in charge of Bengal having mentioned, that they possess no power, we expressed our desire of following the *Goombhane* to where he is in Hindostan; but we have been told that a report must be first sent up to him, and that on the receipt of his orders, granting or not granting permission, we can be informed, whether it will be proper or not for us to proceed to Hindostan, and that the men who may be sent to the Goombhane with the report, will return in the month of Taboung (March or April). During the eleven days we have been waiting here, we have met with Ye-thoo Nanda and Nga Tsan-thoo, whom the Governor of Tsalen had sent here to make some purchases, in company with the Munipore officer, Pemberton, and we deliver our petition to be conveyed by them."

#### TO THE KING OF AVA.

" On arriving in Bengal and making enquiries respecting the different public affairs, we learn, that the English believed that it would be disadvantageous, if, whilst they were engaged in hostilities with Peenja Laho (Runjeet Singh,) the Burmese advanced with an army from another quarter, but that all would be right if they sent an Ambassador to cement a proper friendship with us, and to have some Burmese officers of rank placed in their hands in Bengal, agreeably to the treaty of Yandabo. The English, therefore, deputed Major Henry Burney to Ava, and in conformity with their wishes, have now obtained possession of Burmese officers of rank. This intelligence corresponds with the statement formerly made by Captain Burney's interpreter, as to Captain Burney and the interpreter, Cotton, having talked and whispered whilst we were at Memboo, expressing the joy and satisfaction of the English at having attained their wishes. Accordingly, now that we have arrived

in Bengal, the English are to keep us waiting and to talk to us on irrelevant topics, in order to pass away the time. If they conquer Runjeet Sing, they will give us a strong and peremptory refusal, when we mention the business regarding the countries desired by the King. If Ranjeet Sing be successful, and the *Goombhancee* be obliged to retreat, they will say that they dare not remain in Bengal, and that they will require the four Provinces of Arracan and Moulamyain, Tavoy, Mergui and Tinnasserim to take shelter in. If neither Runjeet Sing nor the *Goombhancee* can prevail, and they are equal in battle, and a long delay occurs, the English will propose to restore those countries to us for money, which they will much require for their disbursements. This is our opinion ; and whether it be well or ill founded, we shall enquire and report in two or three months, for the purpose of enabling his Majesty to form a judgment with more certainty. Whilst enquiring and examining also, we shall consider how the royal service may be best accomplished, and communicate to the officers in charge of Bengal such portions of our orders as may appear proper, and may tend to facilitate the completion of our business. Fulfilling his Majesty's gracious confidence, that we could accomplish his service, and true to the obligation which we owe to his Majesty, and to our bounden duty, we shall submit without concealment or reserve every thing which we see and hear, in order that his Majesty may be better enabled to form a judgment."

#### TO THE LHWOT-TAU.

"We hear that the Munipore officer, Pemberton, having proceeded to Hindoostan, where the *Goombhancee* was, and discussed the matters entrusted to him relating to Munipore, will not visit Bengal, but return to Munipore across the country via Dacca. We have not been able, in consequence of the *Goombhancee's* not being here, to discuss either the Munipore or any other business, on which we are commissioned. We are speaking on the subject of proceeding to the spot where the *Goombhancee* is ; but Captain Burney is throwing obstacles on every point. Persuade Major Burney to recall Captain Burney quickly, agreeably to what was formerly said at Ava as to his returning thither. We have to send and make enquiries on various points ; but the language of this country being different, we should find it easier to obtain information, were we to employ men, who were acquainted with the language than any of the Burmese who are with us. To enable us to enquire and send men in different directions, we beg you will have the kindness to give us one or two more interpreters from Rangoon, men who have before visited Bengal."

#### "Memorandum of intelligence collected by enquiries in Bengal.

"It being reported to the *Goombhancee*, that Yanzidatsheim, King of Penja Laho, who is of the Moung Kwot\* race, and governs the countries of Peenjalereet and Laho, and his son Kharat Shein (Currucc Sing) were going to plant their standards within the English territory, and that on being opposed, they had killed, with a single exception, every one of the English who opposed them, the *Goombhancee* deputed thirty men to go and discuss the matter. Runjeet Sing and his son would not negotiate, but put to death every man sent to them. Runjeet Sing then advanced, boastfully saying, *I will not stop until I and my army have planted our standards in Bengal* ; on hearing which the Bengal *Goombhancee* proceeded with 50,000 soldiers and 2,000 cavalry by land and water, he himself going by land. The two forces met and fought, and the *Goombhancee's* being repulsed, a great many

\* A name given to the Sikhs from the war quilts which they are said to wear as armlets.

men were killed, so many, that the silver bolts taken from the dead weighed nine mounds (maunds) ; and the Goombanee's army not being able to resist, retreated three days' journey. He then sent orders to Bengal, that 30,000 additional troops should join him. As many men as could be hired in Bengal were sent without delay, in bodies of 2 and 3,000 one after another, and men were sent to Belat (England) also, to submit the matter. The reply brought by these men, when they returned from Belat, contained censure, stating, *have you been engaging in hostilities in which it was not proper to engage ?* and no soldiers were sent to assist. Peenja Laho also having a large force, it became necessary to retreat, but fearful that he would follow, the Goombhancee was unable to retreat or to advance. In collecting soldiers also in Bengal, there was not money sufficient to disburse their pay. The rich men in Bengal, fearing that instead of being repaid the money which they had before advanced to assist in the prosecution of the war with Ava, additional loans would be demanded, fled, some to Belat, and some to the city of Thalampo (Serampore.) The ancient custom of that city is said to be, that if men who are in debt or in difficulty fly thither from any other place, they are released and freed from trouble. The above intelligence has not been communicated by one man only, but it is what we have heard from many people of various tribes residing in Bengal, who concur in mentioning it. Happening to go to the place where the sepoy's coats are made in Bengal, we asked the tailors, who told us that they were making all haste in preparing coats to be worn by the sepoys who are to march against Peenja Laho as a reinforcement. With respect to the news from England, we find all here say exactly what we reported from Akyab, as to the death of the king, the accession of his daughter of 24 years of age, and as to his brother's superintending the affairs of the kingdom, with the office of *Goombhancee*. To learn the above intelligence was a business of secret enquiry and difficulty, as no people are allowed to come in or go out of the house we occupy, and as Captain Burney himself watches us, and all the four gateways are kept closed ; but we secretly associate with suitable men, and enquire and learn by means of bribes and presents, and then select and record that in which they all agree.

“ The following information was collected by the interpreter Theeri Gounnarat, when we sent him out to acquire intelligence regarding the views and proceedings of the English.

“ At a counsel held by the Governor-General's representative, Matkalat, (Sir Charles Metcalfe) and the Wongyee Zan Tsweintoun (Mr. George Swinton) with some other English officers, it was said, *we know by letters from Major Burney, that these Burmese Commissioners are come for the purpose of asking for the countries of Mergui, Yé, Tavoy, Tinnasserim, Moulmein, Arracan, Munipore and Assam. If when they ask for those countries, we were to say we will not restore them, a war would ensue. If we were to restore them, the Burmese would not be satisfied, but would have something more yet to ask us for. This being the case, what will it be best for us to say ?* The Wongyee George Swinton observed :—*It would be a difficult business, if now, whilst we are engaged in a war with Peenja Laho, the Burmese were to advance against us from another quarter. Therefore, in order to render it difficult for the Burmese Commissioners to ask for those countries by letter, let us say that we possess no authority.* This recommendation was approved of by the whole of the English officers, and accordingly, when we tendered a letter on the Munipore and money questions to them, they replied we possess no authority.”

I return to the journal of the Junior Envoy.

The Envoy goes one day to see the seven tanks, and are most struck with the model of

a steam vessel complete, and with figures of yellow, green, and red shell fish encased in hollow glass globes, and as these have no holes or openings, the Envoys cannot discover how the models and figures were introduced into them.

The following is an account of a ball at Calcutta, to which the Burmese Envoys were invited. It was the subscription ball given by the inhabitants of Calcutta in commemoration of the French revolution of July 1830.

"About a month after, Matkalat (Sir C. Metcalfe) whom the Goombhancee, as we before said, when he went to Theemala (Simla) mountain to take an airing, had appointed as his substitute to take care of the city of Kalakatta (Calcutta,) and who was living in the Goombhancee's house, requested Kappitan *Theeri Yaza Nawratha* (Captain G. Burney's Burmese title) to say, that as the Burmese chiefs have just arrived, he wished to show them an English dancing entertainment. The Kappitan came and said, *Matkalat wishes to let you see an entertainment, go to-morrow and see it.* On the 11th of December, about the 7th hour of the *Kulas* (foreigners,) after sunset, the carriage and *palahyees* having arrived to convey us, three of us, the Aye-baing, the Tsaregyee and the Kappitan went into the carriage with two horses, and the clerk, interpreter, and doctor followed in separate *palahyees*, and on arriving at a four storied large house, near the Goombhancee's house in which Matkalat is living, the great and little people with us, were not allowed to ascend, but only we three. Having ascended, we sat down in chairs, which were laid out, and looked on. With regard to the entertainment and arrangements, there were many glass *pe-de-the* tree lanterns (chandeliers) lighted and hung up, and between each of them there was a large punkah, from which air was being received. Along and around the walls of the house, a great many large mirrors, 4 or 5 cubits high, were arranged in lines perpendicularly. With the exception of Matkalat and Zan Tsweentoun, the English great functionaries and military officers, and noble men, and noble women, holding and pulling each others hands, and resting on their toes, were agitating their bodies, and jumping and dancing. Whilst jumping and dancing thus, the English women had on the clothes worn by them called *gown patigwot*, and *kámyet*, gold and silver lace, and gold and silver flowers, and as they were jumping and dancing, dressed in extremely rare dresses, and with ear-rings and ear-drops made of fine diamonds and other stones, the glitter of the lights, of the precious stones, and of the gold, made them very beautiful to the sight, like women in the Burmese country when dressed and jumping and dancing in the dance with soft music. About an hour did we thus look on at the entertainment, which Matkalat showed us of English men and women, jumping and dancing, and then we returned home."

The Envoys next visit the cotton mills at Fort Gloucester, and describe the different operations of cleaning the cotton, spinning the thread, weaving the cloth, &c. as being performed by means of a *loom* or engine. Of the principle of the machinery, however, of the cause of motion and mode of regulating it, the Envoys appear to have formed no notion. They observed on their first landing from the steam vessel which conveyed them to Fort Gloucester, a bell placed under a cover at the top of the house, and on hearing this bell sound without any man striking it, but by means of some *engine*, they asked the cause, and were told that a salute was sounded by the bell on the occasion of the arrival of the Burmese chiefs, who had never come there before.

The journal then goes forward to the month of October, 1831, when the Envoys embarked in boats for the purpose of proceeding up the country to wait on the Governor-General. Before leaving Calcutta, however, they land from their boats and pay

a visit to the new Mint, of which they give a short account. They notice particularly the mill for making *soorkey*, and the mode of coining pice. "With a pair of bellows and fire (steam) engine, the copper is melted into slabs, and whilst hot, the slabs are passed between a machine like that in use in Ava, for cleaning cotton, in order to convert them into regular thin plates, which, after they are cool, placed between an *engine* that has two sharp edges like a pair of scissars, and are cut into pieces of about a cubit long, and five fingers breadth. They are then put into another *engine* and cut into round pieces of the form and size of a rupee, and these little round pieces are rubbed so as to be smooth and shining, by an *engine* with some brick dust from the before mentioned mill for making *soorkey*, and are again put into a gunny bag, and rubbed by a machine, so that no little sharp edges or asperities should remain. They are then inserted into the *engine* for stamping the impressions and stamped. Thus every thing until the coin is completed, is performed by *engines*; in one day 40 or 50,000 pieces of money are obtained."

The Envoys are then shown in another room "a large punkah moving by means of an *engine* without being pulled by any man. Some gold and silver were then mixed together, and put into a phial, in which there was some liquid *tshe*" (medicine, colour or any chemical agent so called by the Burmese,) "and the phial inserted into some hot sand. In about 30 *minceet* (minutes) the liquid began to boil, when, it was said, *the silver mixed with the gold has now become separated*, and the glass vessel was then taken up, and we were shown the silver at the bottom, and the gold on the top. In the same manner, gold mixed with copper was separated before us by the *elements dividing tshe*. Next we were shown a way of converting silver into gold. A small plate of silver was cut into 9 or 10 little pieces and put into some liquid *tshe*, and after being boiled about a *naree* (Burmese hour of about 23 minutes,) with fire and a pair of bellows, *it has now become gold* was said (by Mr. Prinsep,) and it was then taken up, and shown to us, and a piece was given to each of us in order, as was said, for us to examine whether what had been thus boiled in the liquid *tshe* was not real gold. On examining and considering this gold, we believed that some real gold had been made into a thin plate and rubbed over with quicksilver, and plated and polished, and when this was boiled with the *tshe*, the quicksilver and coats of silver disappeared, and the gold only remained."

The Envoys were detained off Calcutta in their boats for seven days, in consequence of all the boats for their followers not being ready, and they left Calcutta at last on the 11th of October, 1831. On their arrival at Barrackpore, called by them Ajanat, from the Bengalee name Achanok, they were again "detained 13 days in consequence of the Kappitan having some business there." "At Ajanat," the journal states, "many great and subordinate military English officers dwell, and 4,800 black *kula tsipayee* guard the town. In the same manner as among the Burmese there are Bos, Tseetkes, Nakhans and Tat-ye, here are Kappitan, Letpatan, Sshoomeda, Zamada, Ahawada, Ambanda, Boggees, Tat-ouk, Tat-mhoo, Thwe-thouth-kyee and Akyat complete, appointed to dwell and guard." The Mission leaves Barrackpore on the 25th of October, and the journal records little besides the name of each village and stage at which the boats stop for the night; but as the Burmese cannot express in writing many sounds unknown to their language, and moreover, from an imperfect ear, make sad havoc with foreign words, many of the names set down in the journal, cannot be traced. Chinsurah is styled *Tseet-tsoo-la*, and Moorshedabad, which is described as the seat of extensive silk manufactures, is written Monk-thoozabat. The Mission leaves Moorshedabad on the 7th of November, and in 3 or 4 days reaches the confluence of the Bhagiratty and Ganges rivers, and 14 days after meet with a branch of the river which devaricates towards the village of Gandat and city of *Yathengyee*, the residence of a race of people having only one leg. The Mission then arrives at *Moongareet* (Monghyr), "where many muskets with



twisted barrels are manufactured," and the Envoys visit the *Seetaron* hot spring and three other cold springs. On the 27th November, the Mission leaves Monghyr, and in 10 days, on the 6th December, arrives "at the city called by the Burmese *Patalecpont* and by the *kulas* *Patna*," where the Mission stops 7 days. "On asking Moolawees and learned men well versed in *kula* history, astrology and old books, why *Patalecpont* city is now called *Patna*, they said, that they had found in books, that 750 years ago, when there was a Musulman King, *Shah Zan*, the old city was rebuilt and called *Patna*, and that the old city, before it was rebuilt by King *Shah Zan*, was called *Patalecpont*." The Envoys desired to go from *Patna* to *Gyah* and see the *peepul tree* under which *Gaudama* was perfected into a Booddh, but they were told to postpone this pilgrimage until after they had seen the Governor-General and obtained his permission. They left *Patna* on the 13th December, and "in ten days arrived at the city of *Gauzeepore* (*Ghazipore*), where much oil of roses is boiled and made, and where there are 400 *gora tsipayee* (European soldiers), and other troops posted as a guard with officers complete, in the same manner as was before described at *Ajanat*." In five days from *Ghazipore*, on the 27th December, the Mission reached "a city which the Burmese call *Baranathe* and the *kulas* *Bakrat Kathee* (*Benares*)." Here the Envoys stopped upwards of a month waiting for the arrival of some messengers whom they had sent to *Ava* from *Calcutta*, and who they heard by the *dak*, had returned and were on their way to join the Envoys, with money and other necessaries, for which they had applied to the Court of *Ava*. These messengers joined the Envoys on the 8th of February, 1833. The journal states, that at *Benares* a large quantity of gold and silver brocade, *khin-khab*, and cloths of all descriptions, are manufactured, and bought and sold with diamonds, cats-eyes and pearls; that there are 24 market-places in the city, and brick built houses of 3, 4, 5, 6 and 7 stories high; that "the *Goombhance* pays 3,000 sicca rupees monthly pay to a *Nabat Raja*, who was the King of *Benares* before the English obtained it, and allows him to live comfortably," and that "the city is guarded by 200 *gora tsipayee*, 200 horsemen and 2,400 *kula net tsipayee* (black *kula* Sepahees) with officers complete, in the same manner as at *Ajanat*," and that "an English *Myoon* (Governor or Judge and Magistrate) and *Akhoon-woon* (Collector) are stationed here."

Here it may be mentioned, that the Envoys and the whole of their followers received a regular monthly salary from their own Government, in addition to the monthly allowance which our Government disbursed on their account, namely 250 rupees for house rent, 200 for a carriage, and 300 for their bazar expenses. From *Benares* the Envoys acknowledge the receipt by the messengers from *Ava* of a sum of 7,470 ticals or Sa. rupees 8,964, being the amount of salary due for six months to the Mission after deducting 480 ticals advanced on its account at *Ava*. Before quitting *Ava*, the Mission appears to have received an advance of 12 months' pay, and during the two years and a half that they were in *Bengal*, they received two different remittances of six months' pay each time. On receiving the first remittance at *Benares*, the Envoys address a letter to the Burmese Ministers, who appear to have estimated the whole number of the Mission at only 60 people, pointing out that it consisted of upwards of 80 men; that the sum then received was insufficient to pay all; and that it was 450 ticals less even than what had been fixed at the palace on their leaving *Ava*. The Envoys again, on another occasion, point out that they had been put to much expense, and that they had considered it necessary, in order to do credit to the dignity and grandeur of their Sovereign among foreigners, to keep up a proper number of followers, and to make a good appearance at the audience of the Governor-General; but the Ministers at *Ava* do not appear to have been moved by these representations into increasing the allowances of the Envoys. The following statement of their pay appears in their letter from *Benares*.

LIST COPIED FROM THE INTERIOR (THE PALACE).

	Men	Ticals
Mengyee Maha Tsee thoo (Principal Envoy) .	1	2,520
His son Shwe doun Nawrattha . . . . .	1	360
His followers and servants. . . . .	23	4,140
Total	25	7,020
The clerk Shwe doun Nara tha with his follower .	2	540
The doctor with his follower . . . . .	2	420
The interpreter Theeri Zedarat with his follower	2	540
The interpreter Theeri Gonunart with his follower	2	540
Total	8	2,040
The Secretary Men lha Nanda gyauden (Junior Envoy) .	1	1,680
His followers and servants . . . . .	15	2,700
His clerk Yaza Shwe doun with his follower. . . . .	2	540
Painter with his follower . . . . .	2	420
Total	20	5,340
	53	14,400
Shwe Pyee tha (or Soldiers from a Regiment so named, forming ) the Escort of the Envoys) . . . . .	20	2,400
Total of the four . . . . .	73	16,800
For six months . . . . .		8,400
Now received . . . . .		7,470
Advanced at Ava to the wives of Mengyee Maha Tsee thoo ) and Tsarc dan gyee . . . . .		300
Do. do. in payment for clothes provided for the Soldiers of the ) Escort . . . . .		180
Total . . . . .		7,950
Sum wanting to complete what is due for six months		450

From the preceding statement it appears that the Mission cost the court of Ava about 16,800 ticals or Sa. Rs. 20,160 per annum, and that the salary of the two Envoys, exclusive of the large sums paid for the whole of their personal servants and followers, was 210 ticals or 250 Rs. a month for the Principal Envoy, and 140 ticals or 168 Rs. for the Junior Envoy.

It was the practice of the Envoys to prepare letters and reports as often as they felt inclined to write, and whenever any good opportunity offered, to dispatch at once all that they might have ready at the time, dating, however, not each letter, but the last only or the envelope containing the whole. From a little above Benares they delivered to the Burmese messengers who returned from thence to Ava, seven different letters. One related, as above shown, to the allowances of the Mission, and another was as follows. After acknowledging the receipt of several letters from Ava, and the arrival of the messengers, it proceeds :—

“ On asking the Captain who is with us (Captain Burney) where we shall meet the Goombhance, he replied *I cannot tell positively; I was directed to go to Benares, and I have since received orders to proceed above that city, to Pharakabat (Furruckabad). If we do not meet the Goombhance at Furruckabad, we shall go on to Myeerat (Meerut). The city of Furruckabad*

is 46 days' journey distant from Benares, and Meerut is 2 months' journey distant from Furruckabad. I find from letters that the Goombhancee will pass the hot season this year at Meerut." This is what we learn from the Captain; but when we meet with the Goombhancee we shall be able to believe it true. Whatever enquiries we have made in the different towns and villages through which we have passed, tend to confirm exactly all that we had so often reported whilst residing at Calcutta, respecting the Goombhancee and the war with the King of Peenja Laho. Subsequently to our leaving Calcutta, in the month of November, a new Goombhancee arrived there from Bilat, and after remaining at Calcutta about 2 months, settling all affairs there, came up with all haste to where we were at Benares, arriving there on the 4th January, 1832. He did not give us a meeting, but on the 16th of the same month set off secretly by land for Puchan (Puch-hun, the western country). On asking the Captain, he said, that this was not the Goombhancee Lat-gyee (great Lord), but one who had come from Bilat to hold the office of Zamong\* (General) under the Goombhancee Lat-gyee. But on enquiring from the kulas on board the steam vessel, and from those at Benares, they all said that this was the Goombhancee Lat-gyee. Many persons tell us, that the person said to be residing at Theemla mountain enjoying fine air, is not there of his own accord, but that he is treating with the King of Peenja Laho by means of presents and money, in order to effect the release of the Goombhancee whom that chief has seized. Others say, that the business has been settled with money, and that the Goombhancee has returned by land round by Kampwot (Cawnpore), which is a city 15 days' journey above Benares. Of two such contradictory statements, that which mentions the Goombhancee having returned by a circuitous land route, corresponds correctly with the information which we had before heard of a sum of nine lacs having been paid to the King of Peenja Laho. However, whether these statements of the new and old Goombhancee be true or otherwise, as our meeting the Goombhancee who possesses authority is the only way of settling the royal business, and as he is now said to be at Furruckabad or Meerut, we are proceeding to Furruckabad or Meerut, wherever he is said to be. If what Major Burney said that the Goombhancee is on Theemala mountain near Nepan (Nipaul) had been true, we should have had no occasion to have gone as far as Banarat. The road strikes off to Nepan, 15 days' journey below Banarat, from Patna, which is only 20 days' distant from Nepan. But we did not go to Nepan but to Banarat. If what we were also told by the Woongyee Zan Tsweintoun, that we should meet the Goombhancee at Banarat, had been true, we should have seen him there. When we did not, the Captain with us again said, that we should meet the Goombhancee at Furruckabad, but as we could not credit it, we asked him, shall we positively meet the Goombhancee at Pharakabat? and he replied, if you do not see him at Pharakabat you will at Mycerat; if not there, I cannot positively tell where. It is very hard to be obliged to believe as true all that the English officers may say. However, as in order to give themselves consequence, people may again say that our business has not been settled because we did not go where we were called, or did not go far enough, and that the King's business could never be settled even if we remained at Calcutta ten years, without once seeing the person called the Goombhancee, to whose place of residence we ought to go, and believing as we do, that when we reach the towns forming the extremity of the English jurisdiction, one pretext will be destroyed, although we put no trust in what the English officers tell us, yet that there may be no ground hereafter for saying any thing against us, we shall proceed upwards, and continue to attend to the King's service without any reservation.

\* This was Sir Edward Barnes.

In another letter the Envoys acknowledge the receipt of some orders, which the Burmese Ministers had transmitted, directing them to make certain representations to the Governor-General respecting a little sandy island in the Salmeen, to which, although it had always been subject to Moulmein, the Burmese had lately raised a claim. A great deal of discussion regarding this island had occurred between Mr. Maingy and the Burmese authorities at Martaban, and between the Ministers and myself at Ava. But the Envoys displayed unusual shrewdness and good sense in the way in which they viewed this discussion. They point out in their reply to the Ministers, that their original instructions had directed them, to claim *all* the territory lying to the northward of the ancient boundary of Yé, and that if they now, in obedience to the orders from Ava, entered into a discussion with the Governor-General respecting the little island of Kautsein only, it would be tantamount to relinquishing the claim which they had to advance, to the *whole* of the islands in the Salmeen, and to Moulmein itself, and all the territory to the north of Yé. The Envoys observe :—

“ We have to discuss about Moulmein, the islands of Khilu and Daray, the towns of Kanbein, Athran, and all the different large towns and villages lying to the eastward of the Salmeen. If we make a business of such a little island as Kautsein only, and negotiate about it successfully and even obtain it, they (the English) will consider that they have a right to all the other islands and towns and villages, which were heretofore under the jurisdiction of Martaban, and that the Burmese claim only the island of Kautsein in the middle of the Salmeen. The head of our negotiation will thus, in a manner, be cut off, and we think it will be difficult to be able to say any thing further.” From this letter it appears also, that the Burmese Ministers had directed their Envoys to propose to the Governor-General, to refer the points which were in dispute between the English and Burmese Governments, to the arbitration of Runjeet Sing as an umpire. The Envoys observe :—

“ When speaking with the *Goombhancee* on such subjects of aggression, if the King's business cannot be settled because there is no proper person to decide between us, we shall say, agreeably to the orders from the golden seat, that we will submit it to the arbitration of the King of Peenja Laho. He being at war with the English, they will not be pleased to agree to this, and if taking into consideration their not being pleased, we refrain from saying this, the matter will not be settled. This being the case, whenever we meet and discuss the subject with the *Goombhancee* possessing authority, we shall hear all that he may say, and propose the matter, without giving offence, but so as to ensure the completion of the royal service. We however believe, that among all the different countries of Munipore, Assam, Arracan, Yé, Mergui, Tavoy and Tinnasserim, they (the English) are most pleased and delighted with Manlamgain, and that although they may present Munipore and Arracan to the King of Ava, they will not desire to present Manlamgain. In this matter, whether the whole, a half, or portion only of the royal wishes be accomplished, we will, at the time of meeting, after weighing all points, speak and act so that the King may easily understand the whole of the circumstances.”

On the 15th February, 1832, the Mission left Benares; on the 21st arrived at Mirzapore, and 5 days after, came to the “ city of Illabat”, (Allahabad) built at the confluence of the Ganges and Jumna rivers. “ To the eastward of Illabat city, at the point where the Ganges and Jumna rivers unite, at the great *Ghaut* of the *Paragu* bathing place, there are a great many green, red, white and blue flags planted, and in the middle of upwards of 300 of these small flags, there are about 30 large English flags, each having about 5 cubits of red cloth with the English emblem marked on it in white, of the form of a

fowl's foot. At the *Paraga* bathing place, princes, officers, Bramins, rich and noble men and poor men from every part of Hindostan, bathe their bodies; as those who die after bathing in the water here, have the evil actions which they performed before, obliterated. We were also told, that princes, when they desire to bathe in this spot, have to pay a duty of 3 or 400 rupees according to their rank and power before they can do so, and officers, Bramins, rich and noble men, and poor men also, after paying a duty, according to their means, are allowed to bathe. This duty is paid to the English *Myowoon* stationed at Illabat by the Goombhancee. On the parade ground to the west of Illabat, a great many small pots are put out in the evening to catch the dew, and in the morning before sun rise, all the dew thus obtained is poured into large pots called *zala* and shut up. On asking the object of this, we were told that they were catching quicksilver. There are 2,00 *gora tseepayee* and 1,200 *kula net tseepayee*, with officers complete, and a *Myowoon* and *Akhwon-woon* also at Illabat."

From Allahabad the Envoys address the following letter to their Sovereign at Ava.

"The English do not wish to bring on a war but desire to cement friendship between the two countries, in consequence of the great fear which they have of your Majesty's exalted power—and the person possessing authority (the Governor-General) avoids us and dares not show himself, because he fears to meet and discuss the subject of the countries which your Majesty wants; to grant or refuse which, if demanded, is equally difficult. Your Majesty having considered this matter in your royal wisdom, the effect of virtues of the most extraordinary excellence and magnitude, directed us, in order to render it difficult for the Goombhancee to avoid us, to say, that we would go to Hindostan wherever he was stated to be. In obedience to your Majesty's orders, we communicated to Matkalet and Zan Tsweintoun our desire of proceeding to Hindostan, and it becoming difficult to evade the matter, they told us falsely, and in order to raise their own importance, that we should meet with the Goombhancee at the city of Benares, and furnished us with boats and men, and ordered Captain Burney to escort and convey us. On arriving at Benares, we did not find the Goombhancee there, and after waiting upwards of a month, a new Goombhancee arrived from England at Calcutta, and from thence came up to Benares, but he would not give us a meeting, and when he had set off again by land for the westward, we were told by Captain Burney, that the person who had just arrived from Bilat is not the great *Lat Goombhancee*, but holds only the office of *Zanoung-that* (General Sahib Commander-in-Chief,) and that the Goombhancee possessing authority is at Furruckabad. Although we are aware of the English mode of proceeding, still, seeing that if we decline to follow when we are summoned, Major Burney will again make an affair of it at Ava, and say, that the King's business is not completed, only because we do not go on far enough, we will follow to whatever town or place the Goombhancee is said to be at, trusting that when we reach the extremity of the English territory, they must own that the Goombhancee was avoiding us, and the royal business must then certainly be accomplished. When we meet the Goombhancee, depending on the great favor of his Majesty, we will perform the royal service in such a manner as to secure a realization of this Majesty's wishes."

On the 24th of February, 1832, the Mission left Allahabad, "and in 18 stages arrived at the city of *Kam-poo* (Cawnpore), where there are more troops than at any other place in Hindostan, 1,200 *gora tseepayee*, 2,400 *kula net tseepayee*, 600 European horse-men, 1,200 native horse-men, altogether 5,400 men, together with *Zanoung-that* (General Sahib) *Kanoung-that* (Colonel Sahib) *Kattan-that* (Captain Sahib) *Azcetan-that* (Adjutant Sahib) &c."

" On the 24th of March the Mission left Cawnpore, and on the 31st arrived at the city of Furruckabad, where we were requested to wait, as the Goombhancee would come down from the Themala hill in November, and give us a meeting, and we were told that the Ganges river above Furruckabad was so very small, that large boats could not ascend higher. This being the case, we stopped and remained at Furruckabad, and the Kappitan said, that he would dispatch letters by the *dât* (dâk) to obtain the orders of the Goombhancee, and ascertain exactly in what month and day, and at what place, he would give us a meeting. About a month afterwards the Kappitan having told us that we should not meet with the Goombhancee before the rainy season was over, that the stormy weather had already commenced, and that the rainy weather was not distant, and that we had better go on shore and occupy a brick house near the river side in the city of Furruckabad, we removed from our boats on the 7th of May, and went up and occupied a brick house."

The only matter recorded in the journal of the Envoys during their residence of 7 months at Furruckabad, is an account of the route to the sources of the Ganges (Gengatari Gan-mont) cow's mouth at Gangotri, and some geographical information regarding the relative situation of the principal towns around Furruckabad, derived by the Envoys from "*Zan-gyee Thaleet Karam*," a Jogee named Salick-ram. But during this period the Envoys addressed several long reports to Ava. They appear to have been very unwilling to wait at Furruckabad until the close of the rainy season, when the Governor-General was to descend again to the plains from Simla, and in consequence of their urgent request to be taken to Simla not having been complied with, they believed, more than ever, that the Governor-General had no intention of granting them an audience. This belief they communicated to the Ministers of Ava, who sent orders to them to return to Calcutta. The Envoys also distrusting all that was told them of the Governor-General being on the hills, contrived to send a secret Mission, consisting of one of their interpreters Theeri Gounnarat-gyan, a Burmese soldier NgãTsa,—both dressed as natives of India,—and a Mussulman styled Thadarcela, whom they hired as a guide at Furruckabad, to go and visit Sabathoo, and ascertain positively the fact whether the Governor-General was residing on the hills or not. The poor interpreter caught a jungle fever during his journey at such an inclement season of the year, and died shortly after his return from the hills, with intelligence, which removed the doubts of the Envoys, and induced them to defer complying with the orders from Ava directing them to return to Calcutta. The intelligence was to this purport: "that the Goombhancee Ooleeyan Benteit had been released from captivity, and that preparations were being made along the road for that Goombhancee and the Goombhancee *Lat Baw* (Sir E. Barnes), who were coming to Agra together in the month of October."

In one of their letters the Envoys take alarm at being informed in a letter from the Ministers of Ava, that a dispatch from the Envoys had been received at Ava through Mr. Blundell, who was then in charge of the residency, and that the reply from the Ministers had also been delivered to that gentleman to forward. The Envoys observe that this mode of forwarding their correspondence, gave the English officers an opportunity of opening and inspecting every letter which might be delivered to them, and therefore recommend the Ministers to write in cypher, and in the transmission of letters, to follow the plan which the Envoys and Captain Burney had arranged on their overland journey from Ava to Arracan, that is, the packets from Bengal to be delivered by English subjects at the first small village of Doo on the Burmese frontier, and thence taken up to Ava by Burmese subjects; and the packets from Ava to be delivered by Burmese subjects at the English station of Aeng and thence conveyed by English subjects to Bengal. "This

mode," the Envoys say, " will give us an opportunity also of deceiving, if the English deceive us." In consequence probably of this remark, the Ministers, in one of their letters to the Envoys, write a sentence in the Pali language, which the Envoys repeat in their answer, showing that they understood it, and in another letter, dispatched from Calcutta afterwards in June, 1833, the Envoys write a whole passage in cypher. The sentence in Pali as explained to me, is a curious proof of the pride and vanity of the Burmese Court. The Ministers observe to the Envoys, should the Governor-General agree to our proposition of withdrawing the residency from Ava, and settling that public Missions shall pass once in 5 or 6 years between the two countries, take care to stipulate, that Envoys shall always come first from Bengal, so that the desire of friendly intercourse may always appear to originate with, or be sought by the English.

The passage written in cypher, in the letter from the Envoys, was easily discovered, in consequence of the cypher being so very simple, and the passage relating to a subject with which I was familiar. The cypher consists chiefly in substituting numerals for the different vowel marks, and as the consonants are left, it is not difficult to discover each word. The passage related to the circumstance of the Tsa-ubwa or hereditary chief of Thoungh-wot having fled from the Burmese to the protection of Gumbheer Sing, the late chief of Munipore, and of the Ministers of Ava having sent a priest to try and induce the refugee to return. The Envoys observe that the English Government at Calcutta appeared, up to the date of their letter, to have heard nothing about this matter.

In one letter from Furruckabad the Envoys refer to a letter which they addressed Mr. Secretary Macnaghten on the 21st June, 1832, and in which they endeavour to obtain a more speedy decision from the Governor-General on the Munipore question. They observe, that as they know not when they may have an audience of the Governor-General, they were trying to lead his Lordship's Secretary into a discussion by letter with them on all points connected with their Mission, beginning first with the Munipore question, and they point out the advantage which would attend their experiment if successful. Mr. Macnaghten's short reply of the 22nd of July, however, defeated their scheme.

The following report, which is the longest the Envoys addressed to the Ministers of Ava, contains a full account of all that these individuals had learned of the political state of India, and of the forms of our constitution in England, and government of British India. The report is very absurd, and makes one regret extremely that the Envoys could not secure more correct or useful information. They appear to have picked up some old Bengal Directory, from which they copied the names of the members of the King of England's Government and of the East India direction, disfiguring these names however in such a way as to render it difficult to trace some of them; but it is impossible to write many of our names in the Burmese character, particularly those having double consonants.

" In order to enable his Majesty to form a judgment, we select and transmit such portions of what we saw and heard and recorded during our journey up to Hindostan, as have reference to the enquiries which we made, and opinions which we formed and submitted to his Majesty, whilst residing in Calcutta.

" On the 3rd of October, 1831, we embarked in boats from our house at Calcutta, and on the 11th we proceeded up the country by the Bhagiratee and Gunga rivers. On the 6th December we reached Patna, where we stopped 6 days, whilst the Captain asked from the *Myowoon* money to pay the wages of the boats crews and our expenses. On the

13th, when we departed from Patna, we saw 4 ships surrounded by upwards of 40 boats, coming down the river, and on enquiry, were told by the Captain's interpreter and the sepoy with us, that the great *Goombhancee Lat-that Dalaho* (Lord Sahib Dalhousie) was returning from Peenja Laho's country. He had been made prisoner by the Peenja Laho chief, but had been released and was returning, in consequence the King of Bilat having sent a beautiful carriage having 6 wheels and 6 horses harnessed to it, with gold and silver and other presents, and a royal letter requesting him to be released. There are two Goombhancees, one superintending the general affairs of the country, and the other superintending the affairs of war. Dalaho is the latter officer. On making enquiries respecting the Goombhancee superintending the general affairs of the country, called Ooleeyan Benteit (William Bentinck) the black *kula* people (natives of this country) said, that so far back as the 1st of December, he had travelled by land round Kanpoo (Cawnpore) a city 33 days above Baranat, and gone back to Simla, but the Captain with us said, *we shall see the Goombhancee chief at Baranat.*

" We arrived at Baranat on the 27th December, when the Captain said, *agreeably to the orders which I received from the Kyee Woongyee Zan Tsweintoun to come to Baranat, I have now arrived here and done my duty, I must send a letter by dāk to Calcutta to learn whether we must return, or go on.* Whilst we were waiting on a sand bank off Baranat, on the 21st January, 1832, a Goombhancee arrived in a steam vessel, and on sending the interpreter to question the crew of the vessel, they said, that it was a Goombhancee who had just arrived from England. The Captain, however, without our even asking him, said, that it was not the great Lord Goombhancee himself, but a *Zanoug-that* who was under the great lord, and who had just arrived from England. On asking the black people of the town, they said that it was the great Lord Goombhancee. This Goombhancee, after waiting at Baranat five days, proceeded by land to Puchhun. His state and equipage were very grand. Whilst we remained at Baranat, many horse and foot soldiers were marched from thence and from various other contiguous towns, against the people residing between Benares and Calcutta, in the Birabwon forests, who had revolted and attacked and seized nine lacs of rupees of revenue collections, which were being forwarded to Calcutta, and had killed two English generals and 500 sepoy, and had taken many guns and muskets.

" Proceeding up the country, we left Banarat on the 15th February, 1832, and arrived at the city of Kanpoo (Cawnpore) on the 18th of March. We found what was formerly mentioned in the examinations of Shet Keroola to be true, that a Woongyee of Luk-khnoung (Lucknow) named Ameer Khan, having been placed in irons for acting conformably to the wishes of the English, the Goombhancee himself rescued that Woongyee by a stratagem, and placed him at Kanpoo. The Captain's interpreter came and said, that a younger brother Aka-mye-de of the Luk-khnoung Woongyee Ameer Khan, desired to see Mengyee Maha Tsee thoo, who, considering that this person would have come at once, if his desire of seeing him had been spontaneous, and that his employing the Captain's interpreter to introduce him, indicated that it was not his own wish, but that he had been taught by the English, in order that he might raise their character, and pretend that they possess the whole country of Luk-khnoung, determined therefore to examine the interpreter, and upon ascertaining the correctness of his previous impressions, declined the interview, observing, *although this man was formerly a Woongyee of the King of Luk-khnoung, he is not so now, and, therefore, what advantage will attend my meeting him?* The man went to the Tsare-dangyee's boat, and had an interview with him, in which he said, that he was a Woongyee of the King of Luk-khnoung and a good soldier, that that king had 40,000 horsemen, that his empire and force were very great, and that



he himself possessed great military skill, stretching out and displaying at the same time his arm and hand. He also spoke of the great magnitude of the English empire, of their strength and their ability, and of the King of Luk-khnoung paying them revenue, and after praising the English and exalting their character, asked whether the empire and strength of the Burmese were great? The Tsare-dangyee replied, *my King being the king of men, the king of elephants, and the king of horses, his elephants, horses, arms and soldiers are innumerable, and his empire is exceeding great*, and thus held forth in praise of the royal power and goodness.

“Luk-khnoung is twelve days journey by land from Baranat, and the Gunga forms the line of boundary; the territory to the east and north of that river belongs to the King of Luk-khnoung, and all to the south and west belongs to the English. By Gunga you cannot go to Luk-khnoung, but to the south and west of it. On examining the inhabitants of Kanpoo, they told us, that when the Goombhancee came up to Hindostan, in the year 1831, he did not visit the city of Luk-khnoung but went round by Deeli, in consequence of which the King of Luk-khnoung advanced as far as Kanpoo, and invested it, and a great scarcity prevailed in that city. Subsequently, however, a negotiation took place, and peace being made, the King of Luk-khnoung returned home. This intelligence corresponds with that comprised in our former examinations.”

“From the day of our leaving Baranat, the Captain desired that our Burmese should not be allowed to visit any of the towns or villages on our route, without being accompanied by sepoys, and he always sent notice one or two stages in advance, to the different governors of towns, to request that no answers should be given to any Burmese, who might make enquiries regarding the affairs of the country.

“On the 31st of March, 1832, we arrived at the city of Pharakabat situated on the confines of the Luk-khnoung territory, on the western bank of the Gunga, and heard positively, that the detachment of 1,500 horse and foot soldiers, which had marched against Birabwon whilst we were at Baranat, had been defeated and driven back with the loss of several English generals. This intelligence also corresponded with what we had before learned on enquiry.

“With respect to Nepan, conformably to what the interpreter Theeri-zeya-dyan-den had learned, whilst we were at Baranat, from the nobleman sent there by the King of Nepan, for the purpose of building a bathing ghaut, that the King of Nepan had entered into an alliance with Runjeet Sing, and was on bad terms with the English. On our arrival at Pharakabat we heard the English subordinates talking of the English going to war with Nepan, and preparing a force to invade that country.

“On the 20th of April, 1832, the Nabat (Nabob) of Peetsheen (Pusheng) called Byeet yaja Mahanmat byeet came to Mengyee Maha Tsee thoo, offering some presents, consisting of a good double barrelled gun, a good horse pistol with a bayonet, and a good sword, and begging for some assistance to enable him to proceed to Calcutta, whither he desired to go, but had not money to pay his expenses. On enquiry, he said, that Yanzidatshein, King of Peenja Laho, and his son Kharat Tshein, had attacked and taken his town in the year 1830, and put him in prison; that on his soliciting to be released, the King of Peenja Laho said, we have taken his town—if he wishes to go away, let him do so, and that on being released, he had come so far on his way to Calcutta, whither he desired to go to some opulent merchants who are under obligations to him. On asking him the names of the different towns which the King of Peenja Laho had attacked and taken, he mentioned

the following 13: Peetshen, Kasheemyeree (Cashmere) Mwontan (Moulton) Alat (Attock) &c. On asking for more details, he replied, *I dare not speak as I am in their hands* (the hands of the English). Mengyee Maha Tsee thoo did not accept the *nabats* (presents,) but only gave him some money for his expenses, and dismissed him. The above intelligence corresponds with that which we had before learned on enquiry.

“ On asking Captain Burney afterwards where the *Goombhancee Zaranen-lat-that* whom we had seen at Benares then was, he replied at *Hadawa* (Hurdwar). That town is 3 days journey distant from Sabathoo mountain, and on the banks of the Gunga, and it is a bathing place like that at *Paraga* (Allahabad) where sins are washed away. It is generally reported, that in consequence of apprehensions being entertained that the King of Peenja Laho's son Kharat-Tshein is coming to bathe at this place, all the sepoys and Europeans, horse and foot, have been collected from different quarters and kept ready in a state of defence. The force thus collected is said to amount to 400,000 men, but we do not think this can be true.

“ When the Nabat of Pharakahat visited Mengyee Maha Tsee thoo with presents of eatables and other things, we asked him quietly, without exciting his suspicion, about the Goombhancee who is residing at Hurdwar. He said that this Goombhancee was formerly the Goombhancee of Bounbain (Bombay). We desired to question him more minutely, but seeing that he was a man who feared the English, and that our enquiries would be fruitless, we refrained from asking him any thing further. It is the constant custom to appoint a Goombhancee to superintend the general affairs of the country, and another to superintend military affairs ; and as the latter Goombhancee, Dalaho, has returned, we must suppose that the Goombhancee at Hadawa is his substitute.

“ On arriving at Pharakabat the Captain said, that we could not see the Goombhancee because he had gone to Deeli, but as that city is not far from Pharakabat, only 6 days journey by dāk, we desired to proceed thither. The Captain said, *I must first write to the Goombhancee by dāk, and when his answer telling us to come or not to come arrives, I shall be able to speak to you.* After stopping in our boats at Pharakabat for a period of 27 days, on the 27th of April, 1832, the Captain said, *the Goombhancee's letter has arrived this day*, and shewing us a letter written on English paper, had it translated to us from English into Burmese by the interpreter Peter Newman. The contents of the letter were as follows. Letters and men have been sent to Matkalat and Zan Tsweintoun desiring that the 900 men and upwards who are at Tseelamazee with the Burmese Nga Tha Naing may not be detained but allowed to return home,—and further, the Goombhancee being unwell, is going to reside on Thabatoo mountain during the 4 hot months and 4 rainy months, in order to enjoy the cool air and recover. The Burmese Envoys must be accommodated with a brick house at Pharakabat and detained there. On hearing this interpreted to us, we said, the Burmese King who rules over the great countries to the eastward, having deputed us to the English Chief with an affectionate royal letter, we remained upwards of a year at Calcutta, without seeing the English Chief, and being then told, that we should see him if we proceeded to Baranat, we undertook a distant journey with great inconvenience and fatigue ; but we found him not at Baranat, nor at Pharakabat, where we were afterwards told that we should see him. Being told that he was at Deeli, we desired to proceed thither, but we were not permitted, and ever since the 5th of April last, when we were told that he had gone to Thabatoo, to enjoy the cool air, we have been detained in boats, suffering much inconvenience from the stormy winds and high waves. But on having the Goombhancee's letter now interpreted to us, we do not learn in what month or on what day we shall see him, but only that as he is unwell, he is going to

reside on Thabattoo mountain, during the 4 hot months and 4 rainy months in order to enjoy the cool air. The cause of our coming to Hindostan was not in order to learn that the Goombhancee was enjoying the cool air, but we came to meet him, because we had matters to discuss for improving and prolonging the friendship between our two countries. If we do not see the Goombhancee, we shall not believe in our hearts that there is a Goombhancee, which idea has not occurred to us only just now, but we entertained it whilst residing at Calcutta, and therefore did not wish to come up to Hindostan. We came, however, because if we had refused, the Captain and his elder brother would have made a business about it. As to what is said about our remaining at Pharakabat until the expiration of the 4 hot months and 4 rainy months, we believe that even if we remain here a whole year, we shall not see the Goombhancee, and therefore we desire to return to Calcutta. To these observations the Captain replied, even if you desire to return, the Goombhancee will not permit you, and I think you will see him when he comes down from Thabattoo mountain, after having passed the 4 hot months and 4 rainy months there. But this is only my opinion, for there is nothing about it in the letter. The Goombhancee is still on the mountain, and at the close of the rains he will go to *Bilat* round by *Bounbain*. We rejoined with respect to remaining during the hot rainy months at Pharakabat doing nothing, we did not come to remain here—we came to see the Goombhancee. Pharakabat also is in the jungles—food is very scarce,—Burmese cannot eat the *calavances* which the kulas eat—4 pyees only (one quarter of a basket or 14½ lbs.) of rice which the Burmese use, can be had for one rupee. Firewood also is very scarce, and we cannot eat bread baked with fire made of cow dung, and withered dirty grass. We do not desire to remain a single day at Pharakabat, but we will go wherever the Goombhancee is. The Captain then observed, even if you wish to go just now, you cannot lock up the rain with a key, for in a month and 11 days from this date, the rainy season will set in, and then it will be impossible for you to go to Thabattoo. We replied, if the Goombhancee can remain on Thabattoo mountain with a large body of troops, we do not think it will be impossible for us to get there. We shall leave our baggage and sick here, and travel so that we may reach the spot. In performing our royal master's service, we have no choice as to whether it rains, or is hot, or whether the road is difficult, we have only to act so as to reach the spot. The Captain then said, the Goombhancee is my chief and has ordered me to remain at Pharakabat, I dare not say any thing in opposition to his orders. We replied, if the Captain durst not, we will write, only tell us to whom we should address our letter, and what heading we must put to it. The Captain said, I dare not tell you; and I dare not also forward any letter from you. We then observed, we desire to obtain some correct information, will Captain George Burney answer us, if we put a question to him regarding the customs of the English, of which we are ignorant? He replied, ask and I will answer. We asked, are reports still made to Europe of all affairs and public business occurring in Bengal? The Captain appeared astonished for two or three moments, and then replied. Do not believe what the black kulas, who are disaffected, may tell you. At Pharakabat there is an old Nabat of Deelie, who was removed from his office in consequence of his being a bad man and his younger brother placed in his room. This man is disaffected, and has been speaking to you. The Captain turned the conversation to other subjects, and then got up and went away. The reason why the Captain was astonished and could not immediately answer the question was, because he has always talked of the Goombhancee of Bengal as if he were a king, and seeing that the Burmese appeared to have learned the real truth, he became thoughtful. With respect to the office styled Goombhancee, we have been making enquiries for a whole year, believing that when we knew the real truth, we should be able to negotiate with more ease. A paper book containing upwards of 1,000 sheets has fallen into our hands, describing the affairs of the island of Bilat, the name of the English King, and after him the names of the

Princes of the blood, the names of the Woongyees and Woongay, (principal and subordinate Ministers,) the names of the other officers, the names of the twenty-four great *Goombhanees*, the names of the different Goombhanees and officers appointed by the twenty-four Goombhanees residing in Bilat, as their representatives, the kingdoms and the boundaries of the territories possessed by the English King, all the different orders, appointments and proceedings, arranged for greater convenience under one form, and delivered to each of the different Goombhanees. To enable his Majesty to form a judgment, we submit an abridgment of appropriate portions, which we have selected and had translated.

“ With respect to the Goombhanee. In the year 1192 the Bilat King Zantha-whot (George the fourth) having died, Wilen-tha-whot (William the 4th) became king, and the territories possessed by that king, are the kingdom called Greit Barceten, the kingdom called Alan (Ireland), the kingdom called Hanneewoon (Hanover) and the kingdom called Antsaweit (Isle of Wight), being four great kingdoms. On the Zaboo-island (the southern continent of the Burmese system of the universe) in the kingdom of India, there is a Goombhanee in Calcutta, another at Madarat, another at Bombain, another at Maratna (Malacca) besides one at Theeho (Ceylon),\* another at Kyeet-phouk-ywot hout (Cape of Good Hope) and another at Tshein Lielina (St. Helena). The word India translated from English into the Burmese language, means the country or place of residence of black people. In Bhilat island, the Princes of the blood under the English king are, the Prince Eater (Lord) of the city Lalanbo (Earl of Liverpool), the Prince Lord of Enladen (Lord Eldon), the Prince Lord of Wetshimolen (Earl of Westmorland), the Prince Lord of Hareebain (Earl of Harrowby), being four great Princes and Lords of Towns. Under them are Zwe Ranbenzen (Right Hon'ble J. F. Robinson) Wait-tshee Konug Metleewenle (Viscount Melville,) Wilen Wain (Right Hon'ble William Wynne), Lau Boukzalee (Lord Bexley), Lau Mercebarat (Lord Maryborough). Under these are the names of great and inferior officers holding various situations. Respecting the office of Goombhanee in Bhilat, men of wealth and property and great merchants petitioned the king to allow them to trade and govern with the office of Goombhanee, and the king granted them permission and the rank of Goombhanee. There are twenty-four men holding the rank of Goombhanee, and their names are: Wilen Waitgran Eettsheet kwe, (William Wigram, Esq.) Wilen Ashteli Eettsheet kwe, (William Astell, Esq.) Zekat Bozen kywot, (Jacob Bosanquet) Annaraban Leephee-tshatwon, (Hon'ble Mr. Elphinstone) Kyaleetsha Garantha Eettsheet kwe, (Charles Grant, Esq.) Ezwet Perce Eettsheet kwe, (Edward Parry, Esq.) Zan Tshameet Eettsheet kwe, (George Smith, Esq.) Zwini taune Eettsheet kwe, (Swiney Toowe, Esq.) Reet-zec Palounden Eettsheet kwe, (Richard Plowden, Esq.) Taumat Ree Eettsheet kwe, (Thomas Reid, Esq.) Zwon Bee Eettsheet kwe, (John Bebb, Esq.) Zwon Yoodalee-tshatwon Eettsheet kwe, (John Huddleston, Esq.) Zan Ranbenteng Eettsheet kwe, (George Robinson, Esq.) Zemet Denne aree Eettsheet kwe, (James Daniel, Esq.) Wilen Kalat Eettsheet kwe, (William Clarke, Esq.) Zwon Toundet Eettsheet kwe, (John Thornhill, Esq.) Zan Ree Eettsheet kwe, (George Raikes, Esq.) Wilen Mame Eettsheet kwe, (William Money, Esq.) Tsaleet Paret tshakwot Eettsheet kwe, (Charles Prescott, Esq.) Zwon Loup Eettsheet kwe, (John Loch, Esq.) Tsaleet-tsha Metlect tsha Eettsheet kwe, (Charles Mills, Esq.) Zwon Beleo Eettsheet kwe, (John Baillie, Esq.) making altogether twenty-four\* persons holding the rank of great Goombhanees. These twenty-four great Goombhanees govern the above mentioned towns, and hire with a monthly pay and appoint different Goombhanees under them, and the English king grants different titles and names to the Goombhanees, and to the great, middle, and inferior officers.

\* Twenty-two names only given.

With respect to the Goombhanee and officers in the different towns, there are at Calcutta *Lat gawon zanan* (Lord Governor-General), the Goombhanee great Lat that (Lord Sahib), who exercises control over all the affairs of the country, and the Goombhanee to whom appertains all matters relating to war, styled in English, *Kamanzat tree* (Commander in Chief,) making two great Goombhanees. The officer styled in English *Wait parazaden* (Vice President), the subordinate Goombhanee Lat-that, who governs all affairs at the capital, and the officer styled in English *Zarazan*, the subordinate Goombhanee *Lat-that*, who rules all matters relating to war, making two subordinate Goombhanees. Under these on one side are the officers concerned in superintending the general affairs of the country, the officers who are in English styled *Kantsalan* (Councillor) that is, the officers who join in consultations with the Goombhanee, the *Kyee tshee taree* (Chief Secretary,) and the clerks of the *Kyee tsheet-taree*, to whom appertain the charge of the accounts and issuing of orders, the *Kameesharee* (Commissioners), the *Myowoons* (Governors) of different places, besides other officers, middle and inferior men or judges. On the other side are the officers to whom appertain matters regarding war, and are called in English *Zanoung-that*, (General Sahib) the *Bogyouk*, and under them the inferior *Bos* (officers), the *Atshaten* who disburses the pay of the sepoys ; *Maytsay* (Major) who numbers them, *Kappitan*, who superintends them, together with other officers of war, middle and inferior men. In the same manner at Madarat, Bounbain, Theeho and all the five places, officers are appointed at each place ; but they are not permanent ; at the expiration of certain periods they are changed and new ones appointed. Among these different Goombhanes, the Goombhanee great *Lat-that* called *Wilen Peet* (Lord Amherst), who formerly engaged in war with the Burmese, and the Goombhanee subordinate *Lat-that* called *Et yowot pa-zay* (Sir Edward Paget), returned to Bilat 6 years ago. Subsequently, a person called *Ooleeyan Benteit*, with the office of Goombhanee great Lat-that over all the affairs of the country, and under him a person called *Mathalat*, with the office of Goombhanee subordinate Lat-that, have been governing. In the war department a person styled *Dalaho* is the Goombhanee Lat-that, and under him a *Zaranen* Goombhanee subordinate Lat-that who have been governing, making altogether four Goombhanes. Besides them, the *Kyee tsheet keeharec Zan Tsweintoun* (George Swinton) the *Tsakeetaree* who has charge of all accounts and orders, the *Tsakyataree* who has charge of judicial affairs, the *Tsakyataree* who has charge of the Mint, Opium and Trade affairs, the *Tsakyataree* who has charge of the affairs of the army, together with the *Tsaky amanlahi*, who has charge of shipping affairs, and various other officers, who are all appointed by the great Goombhanee in Bilat. There are eight great men who are joined with *Wilen Balen* (William Blunt) in deliberating. Besides these, there are a great many officers of the different cities and military officers, middle and subordinate men, who possess situations, attendants, and titles. The Goombhanes of the different places, submit reports to the great Goombhanes in England of all public affairs and of every thing that occurs. These great Goombhanes submit the same to the *Woongyees*, the *Woongyees* to the four great Princes, and when these last cannot settle the matter, it is submitted to the king of Bilat. The Goombhanes cannot act of their own authority, or depart from the different established rules of procedure, or go beyond their instructions in a single point, and all that is proper for them to do, is fully contained in the book above mentioned.

“ On the 21st May, 1832, the following information was given us by a Bramin named *Gunga Parathat Pundit*, residing at *Pharakabat*. With respect to the Goombhanee, 19 months ago, in what the Burmese call the month of *Tazoun-moun* 1192, the Goombhanee *Ooleeyan Benteit* came forth with 1,000 European cavalry and 4,000 sepoys in order to make a circuit and inspection of the different towns in *Hindoostan Puch-han*. On

arriving at Myeerut, he remained there a month, and then going to the city of Khoza, 14 taings (28 miles) distant from Thabatoo mountain, he addressed a letter to the King of Peenja Laho, expressing a wish to associate affectionately and have a meeting with him. The King of Peenja Laho replied by letter, "with respect to your desire of associating affectionately, and having a meeting with me, what kind of authority have you, and is there or is there not any man possessing authority above you?" The Goombhanees answered, "the King of Bilat and the great Goombhanees of Bilat are above me. I am the chief who governs the city of Calcutta, and all the towns and villages of Hindostan Pach-han." He (Runjeet Sing) then wrote:—"As you are a little Goombhanees under great Goombhanees, it is not proper for you to say that you desire to associate affectionately and to have a meeting with me. I am a King who has an umbrella and palace, together with cities and kingdoms; if you desire to have a meeting, you must meet a person like yourself, and one whom I have made a man of rank, and a little Goombhanees under me." For upwards of a month, nearly two months, no further letters were sent. The Civil Goombhanees Ooleyan Benteit called the Military Goombhanees Dalaho, and on his arrival transmitted another letter to the King of Peenja Laho, saying, "our King, the Lord of Bilat, has arrived, let the two Kings of equal rank associate affectionately and have a meeting; and our Lord the King also desires to meet you." The King of Peenja Laho sent back a letter saying, "being a King of equal rank I will meet him, and will come myself and give him a meeting." Afterwards, the Goombhanees desired that a *Wakee* (Vakeel) should be appointed on each side as a mark of friendship, and one was accordingly appointed on each side. About a month after, the King of Peenja Laho thought, "I have 12 men like myself, blind of the right eye, if I select from among them a suitable person and make him represent my person, and meet the Goombhanees, it will be a good plan," and having published in a newspaper that the King of Peenja Laho and the King of Bilat were going to have a meeting at the spot where the Goombhanees were, he caused a subordinate man, blind of the right eye, to be furnished with the dress and equipage of a king, and sent with 15,000 sepoys, and presents consisting of an elephant and five horses. The Goombhanees hearing that the King of Peenja Laho was coming with a large military force, went to meet him, and requested that he would come with a reasonable number of soldiers, and that he, the Goombhanees, also would come to the meeting with a reasonable number. The person acting as the King of Peenja Laho, placed 14,000 men of his force about one taing distant, and with 1,000 men and the 1 elephant and 5 horses, met the Goombhanees, when each of them treated the other with the utmost respect and affection. The person acting as King of Peenja Laho gave as presents 1 elephant and 5 horses. The Goombhanees gave 5 elephants and 50 horses, and then the person acting as King of Peenja Laho returned. The Goombhanees having formed a friendship with the chief of the city of Patarara, situated in the dominions of Peenja Laho, 5 days' journey to the southward of Theemala mountain, that chief observed, the man who came just now was not Yanzidaltstein King of Peenja Laho, but a subordinate man. The Goombhanees called the King of Peenja Laho's Vakeel, and asked him if this were true or not, and on his replying that it was the King of Peenja Laho, the Goombhanees informed him, that the chief of Patarara said otherwise. The Vakeel again declared, that it was really the King of Peenja Laho. Afterwards, the Vakeel wrote to the King of Peenja Laho, stating that the chief of Patarara had joined the Goombhanees, and said so and so. The King of Peenja Laho attacked and destroyed the city of Patarara and 5 villages, and took possession of and carried away all the property, men, buffaloes and cows. The Goombhanees hearing this called the chief of Patarara and said do not be uneasy, I will see how I can retaliate on the King of Peenja Laho. The Goombhanees then went from Khoza city to

Theemala mountain, which is at the extremity of the English possessions and 30 taings or 3 days' journey from the city of Peenja Laho.

"The Goombhanees then leaving on Theemala mountain 1,000 out of the 2,000 sepoys that were there, and with upwards of 120 white *kulas*, great and middle men, and 3,000 sepoys, stopped at a place about 4 or 5 taings from that mountain, and dispatched a letter to the King of Peenja Laho. The contents of the letter were as follows :—"I am going to return to Bilat, and if I turn back and go by the route behind me, the sea is in my way and the road is excessively difficult, being full of high hills and mountains. If I cut across the territory of the King of Peenja Laho, and return by that route, the road is near and easy, therefore, I beg you will give me permission to return". The King of Peenja Laho believing that the English were false, and meditated some treachery, sent orders to the Vakeel whom he had placed near the Goombhanees, saying, make your escape secretly and come back, and I will attack and seize the Goombhanees. The Vakeel accordingly escaped, and on his arrival, the King of Peenja Laho dispatched 15,000 sepoys to go and seize, and they captured the Goombhanees, together with the 120 white *kulas*, great and middle men, and upwards of 3,000 sepoys. The Goombhanees Dalaho, however, escaped and fled, and on arriving at Theemala mountain, he assembled as many as he could of the 1,000 men who had been left there, and hastily came away to Myeerut.

"Of the people seized by Yanzidat-shein, as the sepoys were hired by the month and black *kulas*, he did not kill them, but giving them the monthly pay, made them continue to serve as sepoys and as his soldiers, but he put to death the whole 120 white *kulas*, great and middle men, and it is not yet known whether he has put the Goombhanees to death or kept him. The person who had run away, Dalaho, on arriving at Myeerut, sent intelligence to Calcutta, that the King of Peenja Laho had seized the Goombhanees great Lat, and upwards of 120 white *kulas*, and that he himself had just escaped and arrived at Myeerut. A person called Lat Ban (Sir Edward Barnes) arrived as the great Goombhanees at Calcutta from Bilat 7 months ago in the Burmese month Tazoun-moun 1193, in order to relieve the Goombhanees whom the King of Peenja Laho had seized, and this person, to avoid notice, got into a palankeen and left Calcutta, and afterwards got on board a steam vessel and arrived at Benares, where he remained 4 or 5 days; and then, to avoid notice, got into a palankeen again and came up by land to Cawnpore. On arriving there, he prepared 5 parties of 500 European soldiers, each under the command of a Goombhanees, two having cavalry and three having men armed with muskets, swords and lances, together with 1,000 black *kula* sepoys, 50 elephants, 300 camels, war drums and gongs, and every other military arrangement, and after staying at Cawnpore 20 days, he left it, and when proceeding towards Lucknow, the King of that country sent a letter requesting to see Lat Ban, who replied, that he had first another journey to perform, and begged the King would only grant him 50 elephants, which the King gave him. On arriving at Pharakabat, Lat Ban stopped here about 4 days, and then went to Deeli where he remained 8 days. He then went to Myeerut and waited there for the military Goombhanees, who had not arrived. The name of the military Goombhanees was *Lat Tadet*,\* who came from Hedarabat by land along one side of the Jumna river, and on arriving at Deeli, stopped there 5 days, and then proceeded to Myeerut. On meeting the Goombhanees Lat Ban, the two consulted together and went to reside at Thabatoo mountain, stationing at Myeerut, Nimat (Neemuch) and Karana (Kurnaul) 36,000 sepoys, who had been collected from different places.

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\* Earl Clare.

" Letters having arrived from Calcutta, directing the former military Goombhanees Dalaho to return, he did so before Lat Ban and Lat Tseet arrived. The civil Goombhanees Lat Ban and the military Goombhanees Lat Tseet, addressed a letter to the King of Peenja Laho, requesting him to release the great Lat Goombhanees, whom he had seized. He replied, if you desire to have the great Lord released, I will liberate him on your doing the same to the Bahat-da-poorah Raja whom you before seized, and have now in confinement in the city of Bilabad. The Goombhanees Lat Ban and Lat Tseet, sent back a letter stating, our affairs will be injured if we give up that chief, never mind, if you do not grant our request.

" The following is an account of the affairs of the Bahat-da-poorah (Bhurtpoor) Raja. The grandson of the King of Laho and the daughter of the Bahat-da-poorah Raja, were going to be married, when the English attacked the city of Bahat-da-poorah, and seized the Raja and confined him in the city of Bheelabat at the *Paraga* ghaut, at the confluence of the Ganges and Jumna rivers.

" The Goombhanees Lat Ban and Lat Tseet are now proposing to go and march against the city of the King of Peenja Laho, and take possession of it, six months hence in the Burmese month of Tazonn-mhonn 1194, and are collecting sepoys and soldiers, and making preparations. The King of Peenja Laho also, has allowed the Chief of Patarara, who had before formed a friendship with the Goombhanees, to remain in peace and quiet, and has arranged and settled as follows: that the chiefs of the five cities of Patarara, Zotapwot-maratta, Cota-boondee, Alatharetboo, and Galeegat, should continue on good terms with the Goombhanees, but hereafter when he and the Goombhanees commence hostilities, if the five chiefs attack the English on one side, and he on the other, squeezing the English thus between the two, and attacking them, they will never be able to resist. And they are all ready with bodies of armed men. The intention of the King of Peenja Laho is, as I have heard, after attacking and destroying the whole of the sepoys on the Theemala and Thabato mountains, where the Goombhanees are, and in Myeerat, Neemuch and Kurnaul and other cities, to attack and take possession of all the country along the Jumna and Ganges rivers, and all cities and villages above, and then to descend as far as Calcutta and attack and take possession of that city also.

" With respect to the cause of the arrival of the Burmese Chiefs, on enquiring from the English great writer Zen, and Captain Hcet, with whom I am acquainted, and to whom I communicate astrological information and administer medicine, whether the Burmese Chiefs who have now arrived at Pharakabat, had been seized and brought here, or if not, why they had been brought; the English *Tsaregyee* Zen said, they have not been seized in battle and brought here. Our English King and the Burmese King have formed a friendly alliance, and the English Chief has stationed a resident in the Burmese country, and the Burmese King a resident in the English country, but the Burmese chiefs have now been called up to Hindostan, Puch-han, for one reason, in order that it may intimidate and quiet the towns and villages in Hindostan, which are in a disturbed state, by letting them learn that although the Burmese country is of such immense extent, Burmese Chiefs have been seized and brought from thence; and for another reason, in order that their arrival may alarm the King of Peenja Laho, when he hears of it. Accordingly, these Burmese Chiefs have been called and carried round and shown to all the different towns and villages. Captain Hcet said: the Goom-



bhance Lat Ban spread a report, in order that it might reach Peenja Laho, that these Burmese, who have now been called, are able by witchcraft to convert into water, when ready to engage in battle, all the charges of powder which may be put into great guns and muskets, even if their mouths are closed with plugs, and are also able to kill by witchcraft and destroy a great many soldiers. Afterwards, when the Goombhancee heard that the King of Peenja Laho had prepared upwards of 100 guns, he sent a letter to that Chief in order to frighten him, saying, that the Burmese who have now been called and have reached Pharakabad, are able to convert into water the charges of powder put into great guns and muskets, and when they arrive, I will make them convert into water the charges which you may put into the guns you have ready. The King of Peenja Laho replied, when the Burmese Chiefs arrive, I will conciliate them in order that they may join with me in destroying you only. It is now but one month since this reply has arrived, so Captain Heet said, Gunga Parathat Pundit declares."

It has been seen that most of the reports from the Burmese Envoys contain extravagant details of a war said to be waging between Runjeet Sing and the British Government, a circumstance which appeared to give great satisfaction to the principal Envoy, who, further, in one of his letters, quoted a well known Burmese saying, which is often referred to in Burmese History, and is founded on a story of a man seeing two wild fowls fighting whilst he was engaged in ploughing, and his deferring seizing them, until he had finished his work, by which time both fowls had completely exhausted themselves, and were easily caught.

Tau kyet wheet kOUNg pan ze oo,  
T,hwon ye lœ ya ze oo.

Let the two wild fowls first fatigue themselves whilst I complete some more furrows of my ploughing.

This quotation, on the part of the Envoy, was a source of great amusement at Ava. His meaning was, let us Burmese attend to our own business, and let Runjeet Sing and the English exhaust themselves by fighting, when we may quietly take possession of both their countries.

One of the letters addressed to the King of Ava by the Burmese Envoys, whilst residing at Furrackabad, contains the following list of the troops in the service of the British Government in India.

	<i>Gora or Europeans.</i>	<i>Kulanet or Black Kulas.</i>	<i>European Horsemen.</i>	<i>Black Kula Horsemen.</i>	<i>Total.</i>
Cala Catta city .....	1,800	..	400	1,000	3,200
Azanat village (Barrackpore) .....	..	4,800	..	..	4,800
Aradanga village .....	600	..	..	..	600
Nasheepoo city .....	..	400	..	..	400
Bayanpoora city (Berhampore) .....	..	600	..	..	600
Meueetpoo city (Midnapore) .....	..	600	..	..	600
Danapoo city (Dinapore) .....	600	1,200	..	..	1,800
Gazeepoo city (Ghazeepore).....	400	..	400	..	800
Baranat city (Benares) .....	200	2,400	200	..	2,800
Katet city (Cutlack?) .....	..	600	..	..	600
Myezapoo city (Mirzapore) .....	..	600	..	..	600
Tshota Kalaketta city .....	..	..	600	..	600
Bheelabat city (Allahabad) .....	400	1,200	..	..	1,600
Kanpoo city (Cawnpore) .....	1,200	2,400	600	1,200	5,400
Pharakabat city (Furruckabad) .....	..	600	..	..	600
Menpooree city (Mynpoorie) .....	..	600	..	..	600
Barelee city (Bareilly) .....	..	600	..	..	600
Kelce city .....	..	600	..	..	600
The-hazapoo city .....	..	600	..	..	600
Myeerat city (Meerut) .....	..	..	600	600	1,200
Lotsanyan Myo (Loodhiana?) .....	..	2,400	600	600	3,600
Namyeet city (Ncemuch) .....	..	800	..	..	800
Thabatoo Mountain (Sabathoo) .....	..	..	..	200	200
Natsheerabad city (Nusseerabad) .....	..	..	..	600	600
Bahatapoo city (Bhurtpore).....	..	..	..	600	600
Dcelee city (Delhi) .....	600	1,200	..	600	2,400
Agara city (Agra).....	600	2,400	..	600	3,600
Thagra city (Saugur) .....	200	1,200	..	100	1,500
Nabwot city (Nagpore).....	600	..	..	..	600
Pwona city (Poona) .....	600	..	..	..	600
Byetoo city (Baitool).....	..	600	..	600	1,200
Hatshangabad (Hussingabad).....	..	600	..	..	600
Zabalapoo city (Jubbulpore) .....	..	600	..	..	600
Hantsee city (Hansi).....	..	600	..	600	1,200
Dawarce (Bewarree) .....	..	600	..	..	600
	7,800	28,800	3,400	7,300	47,300

	<i>Kulanet or Black Kulas.</i>	
Lukkhnoong .....	2,400	<p>The Nabob of Lukkhnoong hires these men at his own expense.</p> <p>The Cassay Tsanbwa hires these men at his own expense.</p> <p>Mazay Kyounee is placed in this country as a <i>Vakeel</i> with 1,000 sepoys.</p> <p>As the sepoys stationed in these places are from Bombay, Ceylon or Madras, we have not been able to obtain a list of them.</p>
Manipoora city.....	600	
Athan (Assam).....	..	
Yakhain (Arracan).....	..	
Maulamyain.....	..	
Daway.....	..	
Byeit city .....	..	
Tanentharee.....	..	

Among the papers connected with the Burmese Mission lodged among the public records at Ava, I found the following copy of a private letter addressed by the Principal Envoy, whilst at Furruckabad, to his wife at Ava.

"Aye baing Mengyee Maha Tsee thoo addresses my lady. Besides myself, my son Nemys Shwe doungeya, my clerk Nara Shwo dounge Nawratha, together with all the great and little people with me are well. Do not be uneasy about any thing. Be assured and always bear in mind, that if the favors which I have received from my royal master, and the duty which I owe him, are respectfully acknowledged and attended to, and not neglected when present or absent, and if I exert myself truly and diligently to fulfil his royal service, I shall obtain greater honor and long life, and be free from all evil. You must attend to your religious duties, incessantly worship only the three objects of adoration, (Boodh, his precepts and his inspired disciples) give charitable donations, and pray with good wishes in my favor. The medicines, which you before prepared and gave me, being exhausted, in consequence of my having to assist and physic more than 80 men who are with me, prepare carefully and truly a quantity of the same kinds of medicines, and forward them to me by any person you may find about to be dispatched from the Golden Feet. If you find no persons, pack up the medicines carefully in wax cloth, so that the rain may not wet them, and deliver the parcel either to the Woongyees or Atwenwoons, submitting your request for it to be forwarded to me when letters are sent by the dāk, so that it may reach me expeditiously; moreover, when you find any persons about to be sent from the Golden Feet, try and send me 10 borders for a woman's dress, such as are worn by people of rank. Instruct our son Mengyee shwe dung thoo also, and make him attend at the palace constantly. If he hears what his mother tells him, assist him, and see that he is not distressed for clothes or food. You must constantly send me information whenever a dāk is forwarded; write on letter paper all matters relating to the family, and after sealing and addressing the letter carefully, deliver it to the Woongyees and Atwenwoons with a request that it may be sent. My lady, do not send the 10 viss of betelnut for which I before wrote to you; my lady, we can get betelnut to eat in Hindostan by searching for it."

When the Envoys were apprised, at Furruckabad that the Governor-General had appointed to give them an audience at Agra in the month of November, they addressed a letter to the King of Ava, stating that they had learned that Lord Wm. Bentinck had been released from captivity, in consequence of the English having paid 15,00,000 rupees to Runjeet Sing; that a new Governor-General Kamera-men-that (Lord Combermere) had come out to Bombay from England in July, but that in consequence of letters having been sent out by dāk recalling him, he had gone back and another new Governor-General, Haradan-that (Mr. Harrington) had arrived at Bombay, appointed to superintend military as well as civil affairs. The Envoys further state, that although Lord Wm. Bentinck had been relieved, yet, as he was the person who had addressed the letter, of the answer to which from the King of Ava they were the bearer, and as whichever Governor-General gave them a meeting, he could only speak agreeably to the orders which had been sent out by the King of England, it was settled that his Lordship should give them the meeting and afterwards proceed to England via Bombay, carrying with him the letters and presents sent by the King of Ava. The Envoys add, that no doubt, whenever the King of England learns what the Envoys have to communicate, all the wishes of his Burmese Majesty must be realized, the fame of the power, splendour, and glory of the Burmese Kingdom commanding constant respect. The following passage also appears in this letter. "But although Major Burney exalts and speaks of the Goombhanee as a King, we have clearly ascertained that he is like a Mywoon, possessing authority to decide only upon matters of small importance.

On the 4th of November, 1832, the Envoys left Furruckabad to march to Agra, which was the place appointed by the Governor-General for granting them an audience. "At noon, on Friday the 16th of November (we) arrived on a plain and parade ground to the southward of the city of Agra, where, together with the Kappitan, we pitched *Kula Tes* (tents) and stopped, and in front of the tents, a Burmese flag, with the figure of a peacock was set upon a post 15 cubits high. On the same plain, along the southern side were pitched the tents of the Zeya-poo, Gwalee-yet, Kanee, Maratha, Gwahowot-poo, and other chiefs, and the dresses of the Rajahs, as they are called, of those places, were as follows: jackets with large sleeves, and pantaloons, both with gold lace edgings, and turbands of more than 20 cubits length, dyed of a pale red colour, and embroidered with gold sprigs. On the 18th of November the Goombhancee's force arrived, and occupied upwards of 100 tents, which they pitched to the north east of the plain and parade ground. On the night of the 22nd of November the Kappitan came to our tent and said, *at 10 o'clock to-morrow you will have to go to the Goombhancee's tent, I wish to convey before-hand and arrange the royal presents, deliver them to me.* We counted and delivered the whole of the presents and said, that when we were admitted ourselves, we would convey in a proper manner, and present the royal letter of mandate. The royal presents were then taken away. On Friday morning, the 23rd November, when the English hour of 10 arrived, the Aye-bain and Tsaregyee mounted on horses with gilded bridles and saddles, and dressed in our complete court dresses, left the tent, but we placed before us on an elephant completely caparisoned, the Aye-baing's son, bearing in a respectful manner the royal letter of mandate, 20 Burmese soldiers with muskets, as well as some of our attendants with muskets and swords and lances were regularly arranged on the right and left, and behind us, came the more respectable men, the writer, interpreter, painter, doctor, together with about 30 of the subordinate servants, the betel box and water goblet bearers. The Goombhancee had arranged 500 *Tsipayees* on each side, they were dressed in white jackets and pantaloons, and had cock's feathers in their caps, and were standing upright, holding muskets. On arriving at the beginning of the *Tsipayee* line, those of our party who had muskets, swords and lances were stopped, and we, dismounting from our elephant and horses, and accompanied only by our betel box and water goblet carriers, and the more respectable attendants, advanced. The Kappitan came and met us, and told us how to proceed, and we proceeded in the manner he pointed out. On arriving close to the Goombhancee's tent, we were told to leave the more respectable attendants and betel box and water goblet bearers, and for us two chiefs, and the man bearing the royal letter only, to enter. We entered as we were told, and in the inside of the tent there was a very handsome large table, about 3 cubits high, and upon it were placed in a suitable manner, all the royal presents which we had before delivered. In the middle of the table we placed the royal letter in a spot pointed out to us. On the eastern and western sides of the table, the English ministers and officers were seated on chairs, and on the southern side we took our seats on two chairs which were placed there. In about 30 mincet, (30 minutes) after some fine English music had sounded, the Goombhancee appeared from the inner apartment, towards the northern end of the table, having chowries borne to the right and left of him, and seated himself on a chair which had been placed at that end of the table. The Goombhancee was not dressed in the same kind of coat and hat as the other English ministers and officers. On the left side of the coat there was a gold mark like the figure of a lion, and his hat, which was black, was long before and behind, and tapered to the top, and on the left side of it also, there was a gold mark like the figure of a lion, and at both ends of the hat there was a gold tassel. About a Burmese hour after the arrival of the Goombhancee, a translation into English of the royal letter of mandate, was read out by the Kappitan. The Goombhancee then said, the royal letter contains matters relating to the affairs of the country, and after considering the same, an answer shall be given

on my arrival at Calcutta. Let the Burmese Chiefs also return thither, which order having been explained to us by the Kappitan, we returned home.

"On the same night the Kappitan came and told us to go and see an entertainment which the Goombhaneé wished to show us. We went accordingly to a brick built house in which the entertainment was held. The appearance and arrangements of the entertainment did not differ from those which Matkalat had formerly shown us at Calcutta. Englishmen and women were jumping and dancing. At the entertainment the Chiefs of Zeyapoo, Zedapoo, Kancee, Gwaleeyat, Maratta and Gwahapwot were assembled with the Goombhaneé. After looking at the entertainment for about a *naree* we returned home."

The above is taken from the Envoy's journal; but the following letter, addressed by them to the King of Ava, gives another version of their audience of the Governor-General, as well as a characteristic report of some circumstances which preceded and followed that interview.

"After having clearly settled that we should meet the Goombhaneé at the city of Agra in the month of November, 1832, a different language was used in order to alter the time, but as the period for discussing our business had arrived, we spoke strongly, disregarding all personal considerations, on which the Captain pretended that he was not well, and had a fever, and said, I am unable to go to Agra, and if the Burmese Chiefs will not wait, let them go by themselves. We replied, if the Captain cannot accompany us, let him remain, we shall go to Thabatoo mountain, or Agra, or to whatever place the Goombhaneé is said to be at. Our enquiries and reflections as to their views and intentions induce us to believe, that the Captain must have received a letter, directing him to propose to the Burmese Chiefs to have the time altered, and that when it was clearly found by the Captain's report, that the Burmese Chiefs, on his speaking to them, refused to wait, and were preparing to go at once to Agra, an answer was sent to the Captain, stating, if the Burmese Chiefs will not wait, let them leave Pharakabat so as to arrive at Agra by the 20th November. We set out from Pharakabat, together with the Captain, conveying the royal letter and properly and respectfully upon an elephant, and in eleven stages by land. On the 16th November, 1832, we arrived at the city of Agra on one side of the Yoomana river, and occupied a spot which was pointed out to us on the parade ground, to the southward of the city. Here we put up our *Kula Tes* (tents) in an extended and handsome manner, and without any deficiency in appearance, and considering Agra as a part of the royal kingdom, we set up a flagstaff 15 cubits high with the peacock ensign. Two days after, the Goombhaneé arrived, and put up on the same parade ground in *Kula Tes*. After him arrived several *Nabat* (Nabobs) and Lords of towns, each with a body of troops. On the 22nd November we delivered to the Captain all the presents, which were taken beforehand early in the morning, and after 3 o'clock in the afternoon, we went to the Goombhaneé's tent, conveying the royal letter on an elephant, in such a manner as to exalt and extend the splendour of his Majesty more than ever. On meeting the Goombhaneé, Mengyee Maha Tsee thoo, bearing the royal letter, myself delivered it into the hand of the Goombhaneé, who bowing his head and making a *thalam* to the royal letter, respectfully reached out his hand and received it. To us Mengyee Maha Tsee thoo, the Tsaregyee Menlah Nanda gyah don and Nemgo Shwe dounng zey, chairs were given about 4 cubits distant from the Goombhaneé, where we sat down in a proper manner. After enquiring and speaking on agreeable subjects for about 3 *narees* (each *naree* is about 23 minutes) we returned to our own tents. Before our arrival at Agra, the Captain with us said, that if we desired to converse on any state

affairs, we must do so with the Woongyees only, and not with the Goombhancee, who would remain at Agra for two days only. Considering on what was told us, and thinking that if the Goombhancee only gave us a meeting, and after performing the duty of receiving the royal letter and presents, went away, before we could speak on any state affairs, when we desired to converse with the Woongyees, they would say that they possessed no authority, and that they durst not forward to the Goombhancee any letter, or speak to him concerning our affairs; further believing, that what had been told us beforehand was done with the intention only of deceiving and cheating us more easily, we determined to anticipate their design, and therefore, before seeing the Goombhancee we had prepared a letter, mentioning all our public business, and at the audience I myself, Mengyee Maha Tsee thoo went forward, and delivered such a letter to the Goombhancee, who stretched out his hand and received it. Two days after, they came and told us, that that letter was one which ought to have been given to the Woongyees, and that it was not right to deliver it to the Goombhancee, and we were asked to take it back. We replied, the reason why we have come such an immense long journey, was because we had public business on which to speak to the Goombhancee; but now that we have met the Goombhancee, we are told we must speak with the Woongyees only on such business. If the business could really have been settled by our speaking to the Woongyees only, we should have had no occasion to come up to Hindostan, and if our business might have been transacted with the Woongyees residing at Calcutta, why did the Woongyee Zan Tsweintoun say, that he possessed no authority, and that our business could be settled only by our seeing the Goombhancee who possesses authority? If you are really disposed to establish a sincere friendship between the two countries, it is not right to return that letter, and it is proper to communicate your sentiments respecting the public business. If, without discussing the public business, that letter is only given back, you ought to return at the same time the royal letter and all the presents, and if you return them, from the day of your doing so, there will be no friendship between us. On our speaking in this manner, the letter was taken and kept as before. On the following day, on the Woongyee Metnauten (Mr. Secretary Macnaghten) saying, address a letter to me, it is the established custom to deliver to the Woongyee any letters on state affairs, we delivered to him a copy of the letter which we had given to the Goombhancee. We present a copy of these two letters on public business for His Majesty's information. The business on which we are deputed appertaining only to the sovereign of the country, the Goombhancee cannot settle it of his own authority, just as we had before seen and reported. The Woongyee Metnauten Eetshatkwe accordingly told us, the four points contained in the representation now made by the Burmese Chiefs are matters of great importance. A speedy answer cannot now be returned. We have occasion to march immediately to Gwaleeyat (Gwalior,) and after finishing the business there, the Goombhancee will go to Calcutta, and on arriving there, the Goombhancee will answer such points as may be necessary. We replied, if this be true, mention all this in a letter. The Woongyee Metnauten said, we are to move this very night for Gwaleeyat, let the Burmese Chiefs return, and I will send a letter by dák to overtake them on the road. We returned from Agra on the 28th of November, and delayed transmitting the report which we had to make to the royal feet, in order that we might receive the letter from the Woongyee Metnauten Eetshakwe and forward it at the same time. On the 22d of January, 1833, the letter from the Woongyee Metnauten Eetshakwe reached us at the stage of Meezzapoo (Mirzapore), and we forward that letter written with ink on English paper, together with a Burmese translation. The Manlamyain officer and Major Burney are summoned to Calcutta, and when they are all assembled together, the affairs of Munipore and the territory of Martaban will be fully discussed. Although the English officers spoke in an evasive manner for upwards of two years, and desired to avoid us,

because they were afraid to discuss the business concerning the two countries, we made it difficult for them to avoid us, and without shrinking, but boldly and perseveringly executed the royal service; and owing to the excellent glory of your Majesty, a letter comprising the four-points which we had to represent, has reached the Goombhancee's own hand, and has been received by him. In the same manner, we shall make greater exertions than before in the royal service, so that the business may not fail, and that the royal wishes may be accomplished."

I may here introduce a correct translation of the letter brought from the King of Ava to the Governor-General, as well as of the letter delivered by the Burmese Envoys to Mr. Secretary Macnaghten, communicating the objects of their Mission. It cost me several week's labour at Ava, before I could persuade the Burmese Ministers to address a suitable letter to the Governor-General in the name of their Sovereign, in reply to that which I had delivered from his Lordship. They assured me, that no such acknowledgment of a letter from the Governor-General had ever been made before, and that their King never addressed letters but to crowned heads, and they enabled me to observe, that the document which Col. Symes has published in the account of his Embassy, as a letter from the late King of Ava to the Governor-General, was written by the Woongyces, under the orders of the King, but in their own name. In a collection which I possess also of Alompra's letters and orders, I find some addresses to the Chief of Negrais and Governor of Madras, styled Goombhancee *Tsinapatam-tsheit-tsa*, Goombhancee *Eater* or Lord of the Port of Tsinapatam, but all these letters, as well as several others examined by me, which were addressed by succeeding Kings of Ava to the Goombhancee *Bengalatsheit-tsa*, the Goombhancee *Eater* or Lord of the Port of Bengal, are called, and written in the form of, *Royal Mandates, Ameindan*. The following letter is the first address written in the name of the King of Ava, to a Governor-General as to an equal, and even this letter, whenever referred to by the Burmese, is styled a royal letter of mandate, although there is nothing in it, as in former addresses, to justify such a designation.

#### LETTER FROM THE KING OF AVA TO THE GOVERNOR-GENERAL.

"The sun descended Monarch who rules over Thunaparanta, Tampadipa and other great kingdoms to the eastward and over a multitude of umbrella-wearing Chiefs, (tributary Princes) Lord of the Tshaddan elephant, and proprietor of many white elephants, Lord of Life and great Chief of righteousness, informs the English Chief who rules over India, and other great kingdoms to the westward.

"Invested by the rites of imperial anointment with the enjoyment of the Sovereignty over Thunaparanta, Tampadipa and other great kingdoms, and over a multitude of umbrella-wearing Chiefs, his royal hereditary right, constantly and perfectly discharging all the duties of a King and Chief, he uprightly protects the inhabitants of the country and all living animals. By the excellent means of being affectionately disposed towards the Deity and the rest of the three perfections (which are the Deity, his precepts and his inspired disciples) and of making efforts in religious affairs, he promotes the religion of the excellent Deity, which is in a spreading and flourishing condition.

"Major Henry Burney has arrived at Yatanapura, the golden city of Ava, with a royal letter of friendship and presents from the English Chief who rules over the western and other kingdoms. In the royal letter it is stated, that friendship between the two countries is to be prolonged. In like manner as Major Henry Burney has been deputed,

so the Twen-then Woon Mengyee Maha Tsee-thoo, a man of sense and prudence, has been commissioned and dispatched with presents. The Twen-then Woon Mengyee Maha Tsee-thoo is authorized to represent to the English Chief, all matters that have been entrusted to him, and respectfully report to us whatever the English Chief may properly reply. Bear in mind to cherish amicable feelings between the two countries, that friendship may be prolonged."

List of presents entrusted to the Burmese Envoys for the purpose of being tendered to the Governor-General in the name of the King of Ava.

One ruby ring of great value.

One do. do. do.

One sapphire, do. do.

One do. do. do.

One thousand cut rubies.

One thousand uncut do.

One pangycit patstro (Burmese silk cloth) of 31 stripes of different colours.

One do. do. do. do.

One do. do. do. do.

One do. do. of 30 do. do.

One do. do. of 29 do. do.

One do. do. do. do.

One do. do. do. do.

One do. do. of 27 do. do.

One do. do. of 24 do. do.

One do. do. of 19 do. do.

Twenty plain patstros of different patterns.

Five poonee-tsoung, coverlets of red silk.

Three blue colored do.

Two yellow do.

Six lacquered-ware boxes, gilded and inlaid with pieces of looking glass.

Thirty-two do. do. of various sizes and forms.

Letter delivered by the Burmese Envoys to Mr. Secretary Macnaghten on the 26th of November, 1832.

"Aye-baing Mengyee Maha Tsee-thoo\* addresses the Woongyee Henree Metnauten Eettshakwe (Mr. Secretary Macnaghten.) First subject. In the Yandaboo Treaty on the subject of Munipore it is only stated, that if Gumbheer Sing desire to return to his own country, and remain ruler, he shall be allowed to do so, without hinderance or molestation: but the Kathees have established posts and stationed guards in what has always formed a part of the Burmese Empire, at Tamo, Thounghwot, Woombo, Khambat and Megyoung-dwen (Sanyachil,) which the Kathees have done, in order to raise a discussion between the two great countries, and produce a misunderstanding. That these places do not appertain to Munipore, and that they have always formed a part of the Burmese Empire, were shown and made clear to the Resident, Major Henry Burney, by stone inscriptions and records which were executed and set up by a succession of former Kings, and by royal histories and ancient writings. Accordingly, it is wished, that pursuant to what is right, the Burmese and English may both agree, in having the posts and guards established by the Kathees withdrawn.

\* This letter having been written in the name of the principal Envoy only, created a dispute and some coolness between himself and his colleague.



Second subject. "In the Yandaboo Treaty, the four countries Myeit (Mergui) Ye, Dawe (Tavoy) and Tanentharee (Tinasserim) only are stipulated for; and with respect to the English taking possession of the districts and villages of Martaban, which are not included in the treaty, if your right of occupying more than the four countries mentioned in the treaty, that is, if five countries were disputed, a long discussion would arise. It is wished, so that we may love and confide more than ever and with sincere good will, that all the towns, villages, mountains, forests and islands, which belong of right to the jurisdiction of Martaban, may be caused to be given up.

Third subject. "In the Yandaboo Treaty, possession of the four countries, Ye, Dawe, Myeit, Tanentharee, and the four countries Yakhain (Arracan) Thandwe (Sandoway) Yambyé (Ramree) and Manoung (Cheduba,) together with all their dependancies, hills and islands, is stipulated for; but although these countries mentioned in the treaty are stipulated for, still, in consideration that both countries are great, and in order that a sincere friendship, prolonged eternally from generation to generation, may be formed, it is wished that those countries may be restored.

Fourth subject. "With respect to what is in the Yandaboo Treaty, that for the purpose of cementing the friendship between the two countries, an official person with fifty armed followers shall be allowed to reside at each Court, the friendship between the English and Burmese having existed a long time without a single circumstance to destroy a good understanding, and there being grounds for believing, that the countries will become much more intimate than what they have been before, it is wished, that friendship may be cemented only in the same manner as the Burmese and Chinese states cultivate an intimate friendship, without any official person being permanently fixed on either side, but by presents being sent once in two or three years, so that there may be no breach of faith.

"The Aye-haing has communicated the four abovementioned points of this business, and presented the royal letter and presents to the English Chief. He desires, that after the English Woongyee has submitted to the English Chief, the matters now mentioned, which comprise proper words for prolonging and cementing the friendship between the two great countries, whatever answer the English Chief returns, may be communicated by letter.

"In the Burmese year 1194, on the third day of the increasing moon, Nat-dan (26th November, 1832,) this letter was delivered to Woondouk Men Theeri Yaza Nauratha, for the purpose of being given to Woongyee Men Henree Metnauten Eettshakwe."

The Envoys, after inspecting the celebrated Taj Mahal at Agra,—of which they give a short description in their journal, concluding with a piece of information which, they state, was given to them by the people in charge of the Taj, that the expense of constructing it amounted to "upwards of 9,999,900 Agra rupees, each equivalent to 6 moos or  $\frac{1}{10}$  of a Burmese tical,"—returned to Furruckabad, on Sunday the 9th of December, 1832. At Agra, however, as well as at every other place on their route, the Envoys record in their journal the strength of the garrison. A description of the Fort of Agra and the great gun there, is also given.

The Envoys again embarked in boats at Furruckabad, and leaving that town on the 13th of December, arrived at Patna on the 21st of January, 1833, when they were informed by Captain G. Burney, that agreeably to the promise which he had given them, he had obtained the permission of Government for them to go and see the *Bandhi Ben*,

or peepul tree at Budha Gaya, where the Boodhists believe that Gaudama was perfected into a Boodh.\*

The Envoys returned from Gaya to Patna, and re-embarking in their boats, reached Calcutta again on the 6th of March, 1833, and took up their residence at Entally, or, as the journal states, "in the fire-wood bazaar." I proceed to extract from their journal.

"About a month after, the Goombhanee having said that he desired to see the Burmese Chiefs and to let them come, the Taye-baing, Tsare-gyee, and the Kappitan, observing the same form and ceremony as formerly described, went to the brick-house where the Goombhanee resides, in a carriage with two horses. On our arrival there, the Woongyee Metnauten Eettshakwe came down the steps to receive and take us up together, and on reaching the inside of the house, two chairs placed near the Goombhanee, on his right and left hand, were given to us, and when seated, we conversed pleasantly and affectionately. About a *naree* (23 minutes) after, when we returned, the Woongyee Metnauten Eettshakwe, in the same manner as before, took us on his right and left arm and conducted us as far as the steps. With respect to the construction of the house occupied by the Goombhanee, the part in which he resides during the rainy and cold seasons has the floor laid with <sup>teak</sup> planks, very smooth and even, and so close as to show no interstices between them, and the walls are covered with white chunam; and in the part in which he resides during the hot season, the floor is laid with slabs of blue marble, close to each other and polished, and this apartment is exceedingly cool. The walls are covered with white chunam, and many *padetha* tree lamps (chandeliers) are suspended. On the top of the roof there is placed a thing like a large *khyan-poo* basket, apparently about 80 cubits high, and on the top of this basket, there is a figure called Betaneera (Britannia), holding a spear, and standing upright."

The Envoys are again invited to a ball at the Government house, and state that the entertainment was exactly the same as those which had been shown to them before at Calcutta and Agra. The Envoys then introduce a description of Fort William, "the walls of which," they say, are "not like those of other forts built with bricks on the ground, but are made by excavating the earth."

The Envoys frankly confess, that they have recorded only what appeared to be sufficient and proper, from an apprehension that their journal would have become too voluminous, if they had written down every thing which they had seen or learned in Bengal. The journal goes on. "Three months after, when the Kappitan came one day to our house, and we were talking together, we informed him that we had now been residing three years in the English country, and that we desired to go back, and behold once again the golden countenance of our master. He said, he must submit our request to the Goombhanee, and two days after, the Interpreter Petet Newman (Peter Newman) came and told us, that the Goombhanee's orders were, to let us return if we desired it. About two days after the Kappitan came and told us, that we might return, and that the Goombhanee would send a royal letter and presents with us. We replied, we have permission to return, and the royal business is finished, but we request him to tell the Goombhanee that we desired to convey to the Burmese kingdom, the large image of Gaudama, which the royal teacher Anandaran had formerly brought down from the peepul tree (at Budha

\* An account of this visit, and of the proceedings of the Envoys on discovering an ancient Burmese inscription at Gaya, has already been communicated by me to the Asiatic Society at Calcutta.

Gaya), and that we wished to know the day on which we were to return." This image of black marble was brought to Calcutta in 1823, by the same individual who, under the name of *Guru*, joined Sir A. Campbell's army, and whose deceitful and treacherous character, as is well known, was discovered at the capture of Malwon. The image was detained at Calcutta, and subsequently placed in the premises occupied by the Asiatic Society. Nothing that the Burmese Envoys had done during their absence from Ava gave so much satisfaction to their Court, or gained so much credit to themselves, as the measure of bringing this image of Gaudama into the Burmese dominions. The King and Court, and indeed all the inhabitants of the City, went some miles down the river to meet and escort the image, and a few days after its arrival, the reverence for it increased greatly, in consequence of some seasonable showers of rain having fallen, and put an end to a severe drought, which had afflicted the country for some months before.

The following letters were addressed by the Envoys to the King of Ava, from Calcutta, in the month of March, 1833.

"Leaving Agra on the 28th of November, 1832, and travelling by land and water, we reached Calcutta on the 6th of March, 1833, and occupied a brick house given to us, about a *taing* distant to the eastward of the Fort. The Goombhancee also returned to Calcutta overland by *dak*, and the cause of his travelling by land was thus. He ordered the Kapitan with us to make us come in a slow and dilatory manner, in order that all the great men might previously be able to deliberate together on the four points contained in our representation, and the Goombhancee himself, sending his baggage only by water, returned overland by *dak* secretly, and reached Calcutta before us. *Haraden-that*, whom we mentioned in our former report, as the person appointed to relieve the Goombhancee Ooleeyan Benteit, had arrived here before the latter returned, and the *Lat Ban*, the successor of the War Goombhancee Dalako, is keeping watch as before on the Thabatoo mountain. The different civil and military officers have been interchanged and appointed, each to some other place. It is said, that Matkalet is ordered not to be relieved or changed, but to remain as before. Zan Tsweentoun is departed for Bilat with the royal letter of mandate and presents which we brought, for the purpose of submitting the matter of our representation. We hear also that Ooleeyan Benteit will return to Bilat, when the business to be discussed with us is settled. Major Burney and we visit each other, and are constantly meeting and seeing each other in a friendly and familiar manner, and on our telling him, that neither an answer has been sent to the four points required, nor any communication held with us on business, notwithstanding that we have arrived at Calcutta 7 or 8 days, and asking him what they will say to our business, he replied, an answer will be given. I shall go back to the golden feet in 20 days, but before I go an answer will be returned. We are accordingly urging them constantly, in order to get a speedy answer; but, in order that your Majesty may first hear of our arrival at Calcutta, we transmit this report by a person whom we have fortunately met."

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\* "Major Burney showed us a letter from the Woongyee of Rangoon, expressing his wish, that whenever the Aye-baing, and Tsare dangyee return from Hindoostan, they may be forwarded, on shipboard, to Rangoon immediately, and asked us if we desired to return, in conformity to that letter, or to remain. Having discovered their wishes, we observed, we are come, having been deputed by his Majesty to discuss business; we would wish to return this very day, if we knew that the four points contained in the letter which we delivered into the hands of the English Chief, were decided, and the royal service likely

to be accomplished. But, on the contrary, if the business is not settled, and discussion not completed, we do not think it right to allow our minds to think of returning. Major Burney replied, you will soon receive an answer, communicating to you a decision on the four subjects. We said, when the answer is received we shall be able to decide, after considering its contents, whether to desire to remain or to return. We gave this answer for one reason, because we considered that it is not the Burmese custom to return without giving previous notice, and for another reason, because we believed that they (the English) were not honestly disposed. Their intention appeared to us, on consideration, to be this, it being equally difficult for them to give a speedy answer to our representation, or to remain without answering it, and they being unable to choose, if they had heard us say, that we desired to return, they would have laid hold of our reply to talk about other subjects, in order to delay sending us an answer."

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" No answer was given to us for many days after our arrival at Calcutta, conformably to what had been clearly settled and promised when we met the Goombhanee at Agra, that on our arrival at Calcutta answers would be delivered to the royal letter of mandate, and the four subjects of our representation, and having been pressed to fulfil their promise, they, after consulting and deliberating together for a month, have returned an answer, which for the better information of his Majesty, we submit, together with a Burmese translation of it. The articles of the Treaty were forwarded to the King of Bilat, at the time peace was established at Yandaboo, and they (the English officers) desired to give us an answer when orders should arrive from Bilat, but it having become necessary that they should speak straight-forward, and admit that they possess no power or authority, they considered that if the business could be settled without infringing the Treaty of Yandaboo, they might go so far in settling it, and their answer therefore appears to us to contain only what they can say before hand, on their own authority. The business respecting Munipore not being included in the Treaty of Yandaboo, and the Goombhanee being able of his own authority to revise or settle it, he dares give a final answer on that point, and agreeably to this opinion, of the four points represented by us, the royal business in that relating to the boundaries of Munipore, will be accomplished. With respect to the three remaining points, in three or four months hence, when an answer arrives from Bilât, we believe that a positive answer will be given to us. If hereafter the whole can be obtained, they must be obtained. If any one of the whole remain unaccomplished, by adopting some other scheme, the royal wishes will be completely realized. If instead of transmitting our opinions by letter, they be personally submitted them to the royal feet, all could be made perfectly clear. We, therefore, petition that some persons may be sent in the month of August next to relieve us, and permit us to return to Ava."

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" From the answer given by them to the four subjects which we represented, it appears that the royal service must certainly be accomplished as respects Munipore and the Residency. With regard to the Martaban frontier, in consequence of our having previously known that they would lay hold of the expression in the Treaty " let the Salneen river be the boundary," we mentioned in the representation which we put into the hands of the Goombhanee, that by the Treaty only 4 places are ceded, but you have taken 5, and if your right to do so be disputed, a long discussion will ensue. On their replying that the Salneen is fixed as the boundary by the Treaty, we observed, as to the Salneen being made the boundary, that river is not in the Burmese kingdom only, it comes down from

an immense long distance, from the Shan, Yowon and Chinese countries, and in saying that it should be the boundary, the Burmese and English, even if they wished it, could not of their own accord settle as a boundary any part of what belongs of right to Yowon and China ; and as they could not do so, when it was incorrectly stipulated that the Salween should be the boundary, it is not right to view strictly a Treaty which was made without either party looking to the future, and without recollection. It is customary in making Treaties, when a river is proposed to be made the boundary, to say how far it should extend towards the lower and how far towards the upper part of the river, but this was not said, and in consequence of its being only words stipulated in an incorrect and thoughtless manner, and whilst the affair (the war) was going on, the Treaty is still in truth indeterminate. In the 3rd and 4th articles also, in two places in the Treaty, it is said that if hereafter any dispute shall arise respecting boundaries, let men appointed by the English and Burmese Chiefs settle them truly, according to the ancient limits, making thus a reservation ; and the proper time having now arrived for discussing this matter agreeably to that stipulation, discuss and rectify it amicably. This application repeatedly made by us, they having recorded, and being aware of what has passed before on this subject, have laid hold of the reply which the Envoy Karaubwot (Mr. Crawford) had delivered in the Burmese language to the Lhwot-tau, when he visited the golden feet, and they say in their letter now received, that the General, the officer with the cock's feather (Major-General Sir A. Campbell) and the Aye-baing Karaubwot, settled this matter in their discussions with the Burmese officers. Reflecting on this, we believe, that they will not listen to any thing which we may desire to say in the common way. Foreseeing that they would speak in this manner, we before submitted, that their reply would accord with what the Envoy Karaubwot had formerly said. His Majesty having honored us with his confidence and deputed us, we have from the eleventh day after our first arrival at Calcutta, repeatedly anticipated the future, and submitted all our views and opinions as to the affairs which were occurring, or which would occur. When the two parties undertake this discussion, could some Chief be between us empowered to discriminate and decide like an umpire, we, trusting to the glory of his Majesty would break to pieces, so as to overcome, any arguments which they might produce. But at present, in consequence of there being no person to discriminate and decide, we submit for your Majesty's consideration the answer which they have returned, showing their opinions. When we ourselves arrive at the golden feet and submit every thing, we think some other scheme might be properly adopted. But as it would be more advantageous to his Majesty, were we to return without any persons being appointed to relieve us, after Mayzay Bhawraunee leaves this, we shall propose that some one, either the Kappitan with us, or some other person, may be appointed as an Envoy with presents to accompany us back, and if our proposition be successful, we will send early notice of it expeditiously by dák, for his Majesty's information. Knowing truly that Mayzay Bhawraunee had demolished the application which we made, that no Resident should be fixed at Ava, when he sent the Interpreter Gauden (Mr. Cotton) to our house, we said, in the letter which we have received, the Goombhane says, that the measure of keeping a Resident is good ; but he believes so only because he has not heard, nor does he know all the circumstances. We will send a letter stating that it is not good, and in the letter we shall say nothing more than what is done at Ava, where the whole of you treat our great and subordinate officers with disrespect, and what is done at Calcutta by the Kappitan ; and observe that if a serious dispute arise from our unwillingness to put up with all this, it would be like a palace catching fire from rubbish ; for which reason the Burmese Ministers do not like the measure of having a Resident fixed at Ava. If we write such a letter, all of you would be thrown into confusion, and this consideration only prevents us. On Gauden repeating all that we there said to Mayzay Bhawraunee, he sent Gauden back to us, to beg of

us kindly not to be angry. The reason why we sent such a message to him was, because he had spoken in a proud tone, and these words we assumed over him, and used, because we desired to break the tusk of his pride. We have reported this, that your Majesty may bear it in mind when Mayzay Bhawraunee arrives at the golden feet, without making it tight or loose in consequence of your being aware of this affair. The English are a race, who, if you keep the rope tight, they will snap it, and if loose, they will wind it round you. We will perform the royal service, without neglecting a single point and not forgetting but bearing it in mind.

“ In the answer which they have given to the four points, as regards the Manipore frontier, Major Burney, after returning to Maulamyain, is to go up to the golden feet in the month of October, and in the month of November or December, Burmese and English officers are to go together, and examine the Pho-goung Yoina range of mountains, and fix and settle the boundaries. This being also mentioned in the answer, the royal service, as far as concerns the Manipore frontier, must be accomplished. When Major Burney goes to fix the boundary, were I (the principal Envoy) to accompany him, and attend to the royal service, being one who have been from the first engaged in this discussion, the royal service would be more easily accomplished. Therefore we desire to return to the golden feet before Major Burney arrives there. With respect to the question, whether it is right or otherwise to keep an Aye-baing Yazaden (a Resident), that being a matter included in the Treaty, they cannot grant it on their own authority ; but considering that their reply contains a hint of their desire to wait until the arrival of orders from Bilat, it appears that the point desired regarding the Residency also will be obtained. We believe, that the half which remains of the four points, will also be obtained, if some other plan be adopted. Major Burney and the Kappitan asked us, if we have not received letters recalling us to the golden feet, and many great and little men having repeatedly asked us the same question privately, it appeared that they were uneasy about the Burmese. They considered, that if the Burmese do not obtain their wishes, they will break the Treaty ; and that if they desire to break it, letters will be sent to their Aye-baing, and the Tsaredangyee will desire to return ; and we, judging that it was on this account that they were putting the question, answered, without saying too little or too much, every one who came to ask us. We think that it is proper at the present moment to inspire more confidence than ever. They had a design in asking us if we desired to return, and we therefore answered without committing ourselves. Three or four days after, the Kappitan came to us and said, you have spoken wisely, if you had said that you wished to return, the English Chiefs would have recorded it and censured you, but now they are all praising you. On hearing this, we were certain that, according as we had supposed, they had a design in asking us. When we desire to return, without leaving any one in our room, if we say so quietly, and after some delay and caution, they will have confidence in us. If we shall propose to return without leaving any one in our room, after having gradually inspired confidence, we shall submit a report of the same in a letter by dāk for his Majesty's information, and if men and letters be sent from the golden feet communicating the views and opinions (there), we shall be better able to judge and discuss the business. At present, they have not much confidence in the Burmese, and it is not right for us to express a desire of returning.”

The following letter was addressed to the King of Ava in June, 1833. “ After dispatching the Atshoung-dan-myè Shwedoung-ye-goung Nauratha with our letters and reports for the golden feet, we took into consideration, that if it would be advantageous for his Majesty for us to remain at Calcutta, we must remain, and if to return (to Ava) we must return, and were of opinion, that much more advantage would attend our

returning than remaining, and in consequence having repeatedly mentioned (to the Governor-General) so as to inspire confidence, that if we ourselves returned (to Ava), the points which remained unsettled of the four that we had represented at Agra, could be satisfactorily explained, the Goombhane observed in a friendly manner, that if the Burmese Chiefs desired to return, he would send a proper person with them, together with a petition and presents, and it is settled, that we shall depart from Calcutta on the 13th of June.

“The King’s service requiring that we should communicate as we desired with the Goombhane on the business entrusted to us, we executed it without hesitation, boldly and laboriously proceeding to the extremity of the English Empire in Hindoostan, in order to meet the Goombhane; and owing to the excellent glory of your Majesty, the representation we had to make on the four points reached the Goombhane’s own hand, and, consequently, a reply has been received, the contents of which are clearly understood; and believing;—first, that if we personally submit all the circumstances to the golden feet, and they are taken into consideration, the royal wishes will be accomplished sooner or later;—secondly, that it will be a subject of perpetual fame in future histories, that the Goombhane transmitted with a petition and presents the image *Thek-kya Mooni*, which *Anandaran* formerly brought from the *Bodh’s Tree* at *Buddha Gaya*;—thirdly, that one half of the four points has been obtained, and with respect to those remaining, instead of our planning whilst in their power, it will be better if we return to the golden feet, and enable his Majesty to plan in whatever manner he pleases;—fourthly, that in a letter from the *Rangoon Woongyee* to *Major Burney*, the return of the *Aye-baing* and *Tsare-dan-gyee* was distinctly proposed; taking all this points into consideration, we accordingly spoke in such a persuasive manner as made them think well, and at the same time obtained our wishes. The Goombhane also has placed confidence in us.

“But if your Majesty,—bearing in mind the form which was observed when *Gaudama’s Priest’s pot and tooth* were forwarded by the King of Ceylon, during the reign of the King of Pegu *Tshen-byoo-mya-yen* (Lord of many white elephants),—will cause to be spread throughout the kingdom, the fame of our having with us a constituent part of the original *Bodh’s Tree*, so very extraordinary and never obtained by any former King, as well as the *Thek-kya Mooni* image of *Gandama*,—they will be met by a great many people from all parts of the country; and if your Majesty, in order that the circumstance of religion having been extended as well as that the fame of your Majesty may be established in perpetual record, to the time of your son, grandson and great grandson and their successors, as long as the 5,000 years, at the end of which *Gaudama’s* religion is to cease, will cause a great festival to be celebrated, secular as well as religious duties will be promoted, and the present and future state of existence will be benefited.”

Extract from another letter addressed by the Burmese Envoys from Calcutta to the King of Ava.

“Calculating the one year’s salary which we originally received at Ava, and the two remittances since sent of six month’s salary at each time, we have now received, altogether, salary for two complete years. His Majesty having entrusted us with royal service in consequence of the confidence with which he honors us, when we exerted ourselves to meet the Goombhane and represent to him the objects of our mission, we believed, that we were bound to do so, without any personal consideration; and although, whilst residing at *Furruckabad*, we twice received letters directing us to return

either in the month of October or November, 1832, still considering that even if we were employed on the royal service throughout the whole term of our existence, without being able to meet the Goombhane, we ought not to be dissatisfied, but ought to exert ourselves; we exerted ourselves accordingly to meet the Goombhane, and having done so, he has given us a clear and decided answer upon the four points which we represented to him. The proper time, therefore, for asking leave to return is arrived, and we have therefore submitted our application to his Majesty for permission to return. Further, knowing that the Woongyee of Rangoon had written to Major Burney to take down the Thek-kyā Mooni image of Gaudama, which Nandaran had formerly brought from Buddha Gaya, and that when Major Burney was here and desired to take it, he was refused permission; we afterwards pointed out the advantage of following the example of the friendship, which, according to history and ancient records, existed between Theeri Dhammathanka (Sandracoptus) and King Doutha Kāmini (of Ceylon).<sup>\*</sup> They hinted their desire of speaking to us about the expense they had incurred in taking care of the image, but we prevented them by mentioning, that according to the custom of the Burmese and their religious books, it is not proper to take money for any objects or property appertaining to the deity. They then said, that they would make the image a present to His Majesty, and cause Captain Burney to convey it, together with a petition and other valuable presents to the royal feet. If we ourselves escort and convey this Thek-kyā Mooni image, the whole journey would be facilitated."

It may be convenient here, before noticing the departure of the Envoys from Calcutta, to annex a copy of the answer addressed by Mr. Secretary Macnaghten on the 16th March, 1833, to the representation which they had made of the objects of their Mission, as well as a copy of the detailed reply sent to the numerous letters received from the Ministers of Ava on the subject of the Muni-pore boundary. To these is subjoined a copy also of the reply from the Governor-General, to the letter brought by the Envoys from the King of Ava.

"William Hay Macnaghten, Esq., Officiating Chief Secretary to the Supreme Government, is directed, by the Right Hon'ble the Governor-General, to transmit the following answer to the letter which the Burmese Vakeel Mengyee Maha Tsee thoo, delivered at Agra on the 26th November last.

"The Governor-General having well considered the four subjects mentioned in Mengyee Maha Tsee thoo's letter, having referred to the treaty of Yandabo, and to the record of the discussions and correspondence which passed between Major-General Sir A. Campbell and the Burmese men of rank, and having also examined personally the different British officers best acquainted with the circumstances of each case, and with Burmese customs and history, is pleased to determine as follows:—

"With respect to the first subject of Mengyee Maha Tsee thoo's letter, of the territory of Thounghwt, the Governor-General has been fully informed by Major Burney, Resident in Ava, as to the wishes of the King and Court of Ava, and as to the proofs derived from ancient inscriptions on stone and various passages in the old histories and other records of the Kings of Ava, on which the Burmese found their right to the territory in question. The Governor-General would have been better pleased; if these proofs had been exhibited by the Burmese Commissioners who met the British officers on the Khyendwen river in the year 1830. The Governor-General will, however, order Major Burney to return to Ava, with a definitive reply as to the arrangements which can now be adopted for establishing a

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<sup>\*</sup> Referring to Theeri Dhammathanka having sent to Doutha Kāmini, King of Ceylon, the southern bough of Bhod's Tree.



good line of boundary between the territories of the King of Ava and those of Gumbheer Sing, the ally of the British Government.

“ With respect to the second point of Mengyee Maha Tsee thoo’s letter, of the villages and dependencies lying to the southward and eastward of the Salneen river, the Governor-General is surprised that any doubt on the subject can arise, for the fourth article of the Treaty of Yandabo distinctly states, that the ‘ Salneen river shall be the boundary.’ Major-General Sir A. Campbell and Mr. Crawford, have before explained to the Burmese Ministers and officers, that the British Government has an undoubted right to all the country separated by the Salneen river from the dominions of the King of Ava, and that it will not consent to relinquish any portion of the territory it has occupied since the signing of the treaty of Yandabo, or even allow such to become the subject of negotiation. The Salneen river was specially selected at Yandabo as a line of boundary, well defined and certain for separating British and Burmese possessions ; and the only ground which could now arise for dispute, would be, in the event of the Burmese Government doubting, whether the river flowing past Moulmein is the Salneen or not.

“ With respect to the third point in Mengyee Maha Tsee thoo’s letter, a request that the countries of Arracan, and of Yó, Tavoy, Mergui, &c. be restored to Ava, the Governor-General observes, that none of those countries formed uninterruptedly a portion of the ancient empires of Ava and Pagan ; they were conquered from the Kings of Arracan, Pegu or Siam, in the same manner as the British Government has now conquered and annexed them to its dominions. The British Government has no intention whatever of relinquishing any portion of the countries ceded to it by the Treaty of Yandabo.

“ With respect to the fourth and last point in Mengyee Maha Tsee thoo’s letter, the abrogation of the 7th article of the Treaty of Yandabo, which stipulates for the permanent residence of public officers at the seat of each Government, the Governor-General observes, that much advantage has already accrued from the presence of Burmese Vakeels in Bengal and of Major Burney at Ava. Confidence has been given to travellers and merchants. Trade has increased, several questions regarding the surrender of fugitives and boundary incursions have been quietly and satisfactorily adjusted, and the two nations are likely soon to understand each other’s customs and manners. The Governor-General, therefore, is unwilling to depart from the custom of all great civilized countries to the westward, until such time as the Burmese and British nations become more intimately acquainted with each other.

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#### TO THE MINISTERS OF AVA.

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“ William Hay Macnaghten, Esq., Officiating Chief Secretary to the Supreme Government, is directed, by the Right Honorable the Governor-General, to acknowledge the receipt of the letters addressed to George Swinton, Esq., on the 25th June and 10th September and 9th of October, 1830, and to transmit the following reply :—

“ The Governor-General observes, that, whilst he has shown every disposition, and taken great pains to have a proper boundary between Ava and Munipore settled in an amicable manner, the Burmese Ministers have met the friendly offers of the Governor-General with studied delays and procrastination,—with incorrect maps, incorrect assertions, and denials of notorious facts.

"When Mr. Crawford visited Ava in 1826, he proposed to the Burmese Ministers to depute Lieutenant Montmorency to the frontiers of Manipore, to settle this boundary question; but the Ministers rejected Mr. Crawford's proposal. When Major-General Sir A. Campbell asked the Burmese Envoys, in 1827, to enter into some arrangements for having this question properly settled, they declared that they possessed no power to do so. At last, in 1828, Major-General Sir A. Campbell and the Woongyoe of Rangoon agreed, that Burmese and British Commissioners should that year meet for this purpose on the frontiers of Manipore; yet, after the Commissioners had assembled, the Burmese Commissioners said, that it was then too late to enter into the discussion, and proposed to postpone it until the ensuing year. A regular written engagement was made by the British and Burmese officers to meet in the year 1829; but just before the appointed time of meeting, the Burmese Ministers wrote to state, that they were busy in collecting money to complete the third instalment, and that, for this reason, their Commissioners would be unable to meet the British officers that year. Never before was so extraordinary a reason given for breaking a solemn written engagement.

"It was not until the British officers had proceeded as far as March, in the year 1829, (Burmese year 1190) and had performed their part of the engagement of May 1828, that they learnt that the Burmese Commissioners would not attend that year; and when they consented to wait for another year, until January 1830 (Burmese month Pyathoo 1191) they distinctly apprized the Burmese Governor of Kendat, that the responsibility of such delay must rest with the Burmese, and that they could not tell how the Governor-General would be disposed to view the breach of the engagement, which had been made the year before between them and the Burmese Commissioners.

"This conduct of the Burmese Ministers, followed as it was by sending to Bengal a map in which was marked a broad and extensive river that had no existence in reality, left the Governor-General no other alternative, than to select the line of boundary which appeared to him as the most just and proper one to be established between Ava and Manipore.

"The Governor-General, however, desirous of ascertaining all the objections which the Burmese Ministers could adduce against the Khyendwen becoming the boundary between Ava and Manipore, ordered the British officers in Manipore to give the Burmese Commissioners a meeting in 1830, notwithstanding the breach of the engagement which had been made in the preceding year in so extraordinary a manner. But at the conference which took place between the British and Burmese officers, what was the conduct of the Burmese Commissioners? They refused to accompany the British officers and satisfy themselves, that no such large river as that marked in the Burmese map existed, and they refused to hear the evidence which the British officers produced, to establish the fact of Thoung-thwot, Tummoo and Khambat, having been subject to Cheorjeet Sing of Manipore. They contented himself with asserting, that those towns had been uninterruptedly subject to Ava for a period of 2,300 years, and that Manipore itself had also been uninterruptedly subject to Ava for a period of 600 years: and they boldly denied, what the two British officers could testify upon their own personal knowledge, that the towns above mentioned had been conquered by Gumbheer Sing and his followers, before the conclusion of the Treaty of Yandabo. The Burmese Commissioners never offered to produce the slightest proof, from the ancient or other historical records of Ava, in support of their various assertions, or of the fact that the Yoma Doung range of mountains and not the Khyendwen river, was the old and proper boundary between Ava and Manipore.

“ When the Governor-General heard these proceedings of the Burmese Commissioners, he had again no alternative but to order the British officers in Manipore to maintain the line of boundary which had before been selected.

“ The Governor-General, however, when he deputed Major Burney to Ava, ordered him to explain to the Burmese ministers, the motives which had obliged the Governor-General to assume a boundary line between Ava and Manipore, and to invite Captain Pemberton to visit Ava, and discuss with the Burmese Ministers the whole subject. Those officers accordingly patiently heard every objection which the Burmese Ministers could offer ; and Major Burney further, in order to gratify the King of Ava and show his good will towards the Burmese, took great pains to write down and translate all the arguments and documents which the Burmese Ministers could offer, and forwarded the whole to Bengal, with such explanations and in such a manner, as to enable the Governor-General clearly to comprehend all the reasonings of the Burmese Ministers, and the wishes of their King. Major Burney has also since come round to Bengal, and personally submitted to the Governor-General every thing that could be urged in favor of the Burmese.

“ The Governor-General must observe, that the extracts from the Historical Annals of the kingdom of Ava, and from other records and old inscriptions in stone, ought to have been produced five years ago, when the Burmese and British Commissioners first met on the frontiers of Manipore. Let the Burmese Ministers consider well whose fault it was, that the Governor-General was obliged to select the line of boundary which they now desire him to relinquish.

“ The Burmese Ministers, however, having completed the payment of the crore of rupees, and having shown a disposition to cultivate friendly relations with the British Government, by surrendering fugitive criminals, adopting measures for preventing and punishing border incursions, affording protection and encouragement to British traders, and by treating the British Resident, Major Burney, with kindness and confidence, the Governor-General has been induced to consider how he may yield to their earnest and repeated wishes respecting the territory of Thounghthwot. The Governor-General will propose some compensation to Gumbheer Sing, to induce him to relinquish this territory to Ava ; but the Governor-General trusts, that the Burmese Ministers will not make him regret having taken such a step, by bringing forward hereafter some new claim, which, it is necessary to state now at once, if preferred, will only lead to disappointment and vexation. Let the conduct of the Governor-General on this occasion satisfy the king of Ava, and the inhabitants of Ava in general, that the British nation requires from them only peace, commerce and friendly intercourse.

“ But every thing on the frontiers of Manipore must remain as at present until the month of November next, when the Burmese Ministers may depute to that quarter two officers of rank, to meet two British officers, who will deliver over to the Burmese the towns of Khambat, Tummoo, Thounghthwot, &c., and fix and point out the line of hills which may be selected as the future boundary between Ava and Manipore. The eastern foot of the hills known in Manipore as the Mirang hills, and supposed to be the same as that called by the Burmese Yoma Doung, will form a good line of demarcation between the possessions of the two States ; but the Burmese authorities must not, on any pretence, interfere with any of the *Khyens* or wild tribes residing on those hills, or on any hills lying to the westward of them.

"Major Burney will return with this letter to Ava, and arrange with the Burmese Ministers for deputing some British officer with the Burmese Commissioners, when they proceed to the frontiers of Manipore, in order that the proposed new line of boundary may be satisfactorily adjusted, and fully understood on the part of Ava.

"The Governor-General, finding that the out turn of the bullion received from the Woongyee of Rangoon since the date of the engagement made by the Burmese Ministers and Major Burney in January last year, has realized a surplus of Sa. Rs. 14,004 over the balance of the crore then due, (Sa. Rs. 654,232), has ordered such surplus to be returned to the Woongyee of Rangoon, and Major Burney will deliver the same to that officer, with a statement showing the exact out-turn of the bullion.

"The Vakeels Mengyee Maha Tsee thoo, and Men tha Nanda gyau den, whom the King of Ava deputed to Bengal, have been received and treated with the same marks of attention and kindness as were shown to the British Resident at Ava. All that they had to communicate has been heard and attentively considered by the Governor-General, and a detailed reply will be delivered to them. They have been allowed to visit every part of the country they desired, and have received every proof of confidence and good will from British officers."

#### LETTER FROM THE GOVERNOR-GENERAL TO HIS MAJESTY THE KING OF AVA.

"The Governor-General of British India, has received the letter which the King of Ava transmitted by his Vakeels, Mengyee Maha Tsee thoo, and Men tha Nanda gyau den, and has fully understood its contents. The Governor-General was happy that His Majesty of Ava, in conformity with the customs of all great civilized countries to the westward, deputed Burmese officers of rank and prudence to reside near the Governor-General, in the same manner as Major Burney was deputed to the Court of Ava. Much advantage has already accrued from this proceeding. Merchants and traders on both sides have derived confidence. Many questions regarding the surrender of fugitives, and punishment of border incursions have been satisfactorily adjusted, and the British and Burmese great men have become much better acquainted with each other's wishes and opinions. The Vakeels of His Majesty of Ava have been treated with the same kindness and confidence as were shown to Major Burney at Ava. They have been allowed to visit every part of the country without let or molestation, and all British officers have shown them respect and attention. The Governor-General has heard and fully considered every thing which these Vakeels desired to communicate to him, and a detailed reply will be delivered to them. The Governor-General has received the Royal presents from the Vakeels, and delivered others to them in return, to be presented to their Majesties the King and Queen, and the young Prince Tsa Kya Men. The Governor-General will be happy to co-operate with the King of Ava in promoting peace, commerce and friendly intercourse between the British and Burmese nations."

#### Presents from the Governor-General to the King of Ava.

Rees's Cyclopaedia.....	45 vols.	Fine English Handkerchiefs..	12 pieces
Plumb colored Velvet.....	2 pieces	Fine gold flowered Muslin....	2 ditto
Red ditto.....	2 rolls	A fine large Looking Glass	
Blue ditto.....	1 ditto	English Carpet 10 cubit square	2
Green ditto.....	1 ditto	A fine gilded Chair	
Gold Brocade .....	2 ditto		

The following passage is taken from the journal of the Envoys.

“ On the 22d of June, 1833, the large image was put with an *engine* on board a three masted ship called Zwalau (*Swallow*), and a portion of our great and little people with our boxes and articles for our consumption were also embarked. Early on the 23rd the Kappitan came and told us, a two masted Pilot vessel would convey us two chiefs with 20 of the men and women. The ship with the large image and the great and little people and our baggage would depart that night, and anchor in 7 fathoms water at the mouth of the sea, and wait there. In consequence the three masted ship called Zwalau took its departure first. On the 29th of June the Aye-baing, Tsaregyee and the Kappitan, with upwards of 20 subordinate people, embarked on board the two masted Pilot vessel and left Calcutta. In three or four nights we arrived in 7 fathoms water, at the mouth of the Bengal Sea, and observing the spot where the three masted ship Zwalau, Kappitan Eden (Capt. Adam) was at anchor, the Pilot vessel stopped, and anchored close to it. About a *naree* after, the Pilot said, the period of the tide flowing up is near, cross over in the boat quickly to the Zwalau ship. The Aye-baing, Tsaregyee and the Kappitan with upwards of 20 men and women went down into the boat, and crossed over towards the Zwalau, but before arriving near that vessel, the flood tide having made, and carrying the boat away with it beyond that vessel, we anchored and stopped. On the first coming in of the tide, being near the mouth of the sea, a strong wind arose, and very high waves, which, if we draw a comparison, were like great hills and banks rolling over and coming on. The boat in which we were, not being adapted for this, all on board, the great and little people, the men and women, were unable to bear it or to stand, and were giddy and vomiting. Suffering in this manner from early in the morning, when we left the Pilot vessel, till noon, we were exceedingly miserable and fatigued. Yet although we hailed the Zwalau, and the Pilot vessel, they did not hear; and although they saw a flag which we rolled up and suspended (a whiff), being a large vessel they durst not take up their anchor and float, and cross over to us, and remained where they were. Although they had boats, as they were all small they could not come and assist us. At noon, about 2 hours before the tide began to ebb, the wind abated, and fearful that when the tide had ebbed the strong wind would again arise, and the boat, in consequence of its small size, be unable to resist it, we took up our anchor, and putting up a sail went a head of the Zwalau, about half a *taing*, and then sailed back, inclining towards the stern of that vessel. Sailing thus once again a head of the vessel, and coming back towards its stern, the boat came in contact with the Zwalau, and a rope ladder being thrown out, the great and little people, the men and women, ascended the ship. On getting on board the Zwalau from the boat, the tide began to ebb, and rain and a high wind coming on, the vessel took up her anchor, and getting out of the 7 fathoms water put up her sails in the midst of the sea, and sailed away. The vessel went at the rate of 5 or 6 English *taings* (miles) in 2½ Burmese *narees*, or what the English call one *naree*. Accordingly at 9 A. M. of the 9th July, in seven nights and eight days, we came from 7 fathoms water at the mouth of the Bengal Sea to the 7 fathoms water off Rangoon.”

On the arrival of the Envoys at Rangoon, they addressed the two following letters to the King of Ava :—

“ After we had dispatched our petition via Arracan, reporting that it was settled that we should embark on shipboard on the 23rd of June, and that Captain G. Burney was appointed to escort us with a royal letter and presents, we twice saw the Goombhance, and on our making kind speeches for the purpose of gaining favor, he treated us with more than usual, with extraordinary regard and confidence. After all the business

respecting our departure had been concluded according to our wishes, we, looking forward to the future, spoke and established two points, which are as follow :—We said, we have been residing nearly three years in the English country, and in all we have thought and done, we have had in view only the increase of friendship between the two countries ; but if in your opinion we have committed any mistake, or done any thing deserving of censure, do not keep it in your belly, but openly mention it. The Goombhancee and three Woongyees were together, and the Goombhancee himself observed, there is nothing to censure, every thing has been proper and agreeable, you possess the characteristics of officers of rank, and the disposition of men of sense. We then said, we wish to know if what you have now observed is the language of compliment only, or spoken sincerely from the heart ? The Goombhancee replied, showing his hand placed on his breast, it is the language spoken from my heart. On which we said, we are exceedingly glad to hear what you have now declared ; however, our master having confidence in us, deputed us to Calcutta, in order to reside here and attend to the service of the two countries ; but we are apprehensive that after our departure, some affair of state may arise which may become unpleasant. Therefore, although we ourselves return, in order that public business may not be interrupted, if there is any business on the Burmese side, the Burmese Aye-baing will mention it by a letter to the *Woongyee Men Henree Metnauten Eettshakwé* by the dák viâ Arracan, and if there is any business on the English side, let the English Woongyee address a letter by dák to the Burmese Aye-baing. The Goombhancee and the assembled Woongyees said, very well. This arrangement being a point gained, and likely hereafter to be useful to the royal service, we mentioned it twice, and settled it ; and afterwards also repeated it in a letter under our signatures to the *Woongyee Men Henree Metnauten Eettshakwé*.

“ In order to render the Thek kya Mooni image, which was brought from Boodh's Tree at Buddlia Gaya, very easy to be conveyed by land and water, we made English carpenters pack it up carefully and strongly, under our direction, in a case with iron clamps and hoops, and searched for some stone of the same description as the image, and caused one of the ears and hands which had been lost to be re-made and fastened. We could not leave (Calcutta) on the 13th June, the day which had before been settled, in consequence of the work required by the image, and the vessel not being ready. We stoped seven days longer, and on the 30th June, at 3 o'clock in the afternoon, we embarked on shipboard, and dropped down to the Bhaugurettce river, and on the 4th July, arrived in 7 fathoms water (Sand Heads.) In consequence of the excellent glory of your majesty, we were borne by a steady violent wind, and arrived from the 7 fathoms water off the English country to the 7 fathoms water off Rangoon, in seven days. On this 7th day, we sent up a report to the city of Rangoon and waited two days, and on the 13th of July we reached the city. As the circumstance of the presents from the English Chief, together with the Thek kya Mooni image, and the Boodh's Tree would be made known throughout the kingdom, and would be in perpetual record in future histories, eleven guns were fired from the ship, and the Rangoon Woongyee also fired eleven guns, and the ship on which we came, also desiring to do honor to the Burmese, hoisted the peacock flag (Burmese Ensign). During the three years of our residence in Bengal, not a single failure occurred ; but owing to his majesty's excellent glory, many points were advanced. The Rangoon Woongyee also was extremely glad at our arrival, and took care of all the public servants, giving them provisions, boats and every kind of assistance. We shall go up (towards Ava) as soon as the raft which is preparing for the conveyance of the Thek kya Mooni and our boats are ready, and Captain George Burney having been ordered to escort us to Rangoon, and take care of us on shipboard, will return from Rangoon and remain (in Bengal).”

## TO THE KING OF AVA.

“ After settling the Munipore question, which was the first object of his Majesty’s desire, among the four points that we had to discuss, agreeably to the petition we had transmitted by Shewe doung ye goun Nauratha, submitting our intention of renewing our representation regarding the remaining points, and then returning to the golden feet in the month of September, we, having ascertained, in the first place, that although we repeated our representations two or three times, these points were objects of stipulation by treaty, not one of which they had the power to discuss ; and in the next place, that if we arrived at Ava before Mazay Bhauranee, it would be more easy to settle and arrange every thing regarding the fixing of the boundary of Munipore, took all these things into our consideration and returned in the month of July. Through the excellent glory of your majesty, we arrived in 7 fathoms water off Rangoon in so extraordinary a manner as no man had ever before arrived, in seven days. We heard also, that Mazay Bhauranee had crossed over from Maulmyaing to Rangoon ten days before us, and we have met and seen him. We accordingly solicited the Rangoon Woongyee to give orders to prepare with all expedition our boats and the raft for conveying the large image, so as to enable us to go up before Mazay Bhauranee ; and the Woongyee taking the matter into consideration, has given his personal superintendence, and the moment every thing is ready, we shall transmit a report and come up. We are of opinion, that it will be good for us to arrive before Mazay Bhauranee. When we were about to leave Calcutta and met the Goombhane twice, we settled and agreed, that after our return to the golden feet, if the Burmese have any business to communicate, the Burmese Aye-baing will address a letter to the *Woongyee Men Henree Metnauten Eettshakwé*, and if the English have any business, the Woongyee will write to the Aye-baing ; and believing that if, according to this arrangement, the English Woongyee and the Burmese Aye-baing correspond with each other on terms of equality, the Burmese Woongyees would be exalted, we spoke so as to entice them into allowing us to carry this point. However, as Mazay Bhauranee is become well informed in Burmese affairs, we cannot tell what he may say again to annul this arrangement. But believing that Mazay Bhauranee would endeavour to annul it, we settled the point clearly and positively, by delivering a letter under our signatures, and a copy of this letter we submit for his Majesty’s consideration. His Majesty selected and deputed us, believing that his royal service would be accomplished ; we desiring to repay the royal confidence during our three years residence, satisfactorily settled and completed every great and little business, without forgetfulness, bearing the whole in mind, and without neglecting a single point of his Majesty’s service.”

## COPY OF THE LETTER DELIVERED TO THE ENGLISH WOONGYEE.

“ Aye-baing Mengyee Maha Tsee thoo to the Woongyee Men Kye tsheet theet taree (Secretary) Henree Metnauten Eettshakwé. Agreeably to His Majesty’s appointment as Aye-baing, we have resided in the English country for nearly three years, without a single ground for censure,—every thing has been done properly. When we asked in the presence of the English Chief and assembled Woongyees to mention if there was any cause for blame, the English Chief himself observed that there was none. In order to increase, in the same manner hereafter, the friendship between the two countries, when the Aye-baing Mengyee and Tsaredangyee return, if any public business occur requiring communication, they will send a letter by dāk to the *Woongyee Men* and mention it in the same manner as they have done whilst residing at Calcutta ; and if the Woongyee have any thing to communicate, let him send a letter

by dāk to the Burmese Aye-baing. If letters pass between us in this manner, the public business will be settled without any interruption."

The Envoys left Rangoon on the 12th of August, and reached Ava with the image of Gaudama on the 21st Sept. 1833.

The journal is dated as having been submitted to the Ministers of Ava, on the 3rd of, January 1834, and on the 5th of March, the Ministers delivered to me a letter of acknowledgment, to be forwarded to Mr. Secretary Macnaghten, of which letter the following is a translation.

"The Ministers and Generals who direct the affairs of the country, bearing always on their heads the two royal feet, resembling the pollen of the lotus flowers, of the most glorious and excellent lord of the Tshadden elephant and of many white elephants, lord of life, and great king of righteousness, who governs the kingdoms of Thoonapara and Tampadeepa and other great kingdoms and countries, and a multitude of umbrellas wearing (tributary) chiefs to the eastward, inform William Hay Macnaghten, Esq., the Secretary of the English Chief who governs India, together with other great kingdoms and countries to the westward.

"Agreeably to the friendship subsisting between the two great countries, and in conformity with former custom, his most glorious and excellent Majesty, the lord of life and great king of righteousness, deputed Twen then Woon Mengyee Maha Tsee thoo and Tsaregyee Men tha Nanda-gyan den to the English Chief, with a royal letter and various presents and cloths. Intelligence was received by letter, that on their arrival at Calcutta the Woongyee treated them properly, giving them a brick house to reside in, and sufficient to eat and drink; and that when they were proceeding to Hindostan, they were provided with boats and men under the direction of Captain George Burney. That they met the English Chief at Agra and conversed together in a cordial and agreeable manner; that on their return to Calcutta from Agra, the English Chief gave them provisions and a royal letter and presents for his most excellent Majesty, and allowed them to invite and bring away the Thek kya Mooni Phra, image of Gaudama, and that having forwarded them properly on board a ship, they arrived at the royal feet on the 20th of Sept. 1833; these and every other circumstance were satisfactorily submitted to his Majesty. Subsequently to the return of Mengyee Maha Tsee thoo and Tsaregyee Men tha Nanda gyan den, the festival held on a grand and extensive scale by his most glorious and excellent Majesty, the lord of life and great king of righteousness, to celebrate the ceremony of boring the ears of his royal daughter having intervened, a letter could not be returned, therefore one is now written and delivered to Major Burney to forward."

It gives me pleasure to be able to add to the above a translation of another letter delivered to me at the same time by the Burmese Ministers for Mr. Secretary Macnaghten, communicating the consent of the Court of Ava, to the new line of boundary selected between Ava and Manipore, and thus finally settling this long pending but contemptible dispute.

#### COPY OF THE LETTER DELIVERED TO THE ENGLISH WOONGYEE.

"In the letter sent by the Secretary it was mentioned, that the towns of Khanbat, Tamoo, Thounghwot, &c. would be delivered to the King of Ava, and a range of mountains selected and established as a suitable and proper boundary between the two kingdoms of



Ava and Manipore, and that the eastern foot of what the Maniporeans call Muring Hills and the Burmese the Youma Toung Range, would be a good boundary. Agreeably to this letter, which was brought by the Resident, Major Burney, the Woondouk Maha Mengyee Yaza and other officers, with the English officer Macleod, were appointed and deputed from the golden feet, in order to receive charge of the towns of Khambat, Tamoo and Thounghwot and their dependencies. On meeting at Migyoung with the English officers, Major Grant and Captain Pemberton, and conversing together, they said, that in the letter delivered to Captain Pemberton by the English Chief Yoma Toung was not mentioned, but only that the eastern foot of the Muring Hills was to be made the boundary, and all to the eastward of the foot of those Hills the towns of Khambat, Tamoo, Thounghwot, &c. and their dependencies, to be delivered. The Burmese officers said that in the letter sent by the English Secretary (to Ava) it was mentioned that the eastern foot of what the Burmese call the Yoma Toung, and the Maniporeans the Muring Hills, was to be made the boundary. The two parties differed; but agreeably to the friendship subsisting between the two countries, having reflected, that each confides in the other, and that the two are united, notwithstanding some little portion of forest and hill is remaining, still in order that no quarrel may arise, we have fully discussed the point and agreed with Major Burney; of which matter we inform you."

In July, 1834, the principal Envoy was promoted to the rank and office of a Woon-douk or assistant Minister at Ava; but both he and the Junior Envoy are very desirous of being employed on another Mission to Bengal.

## NOTES ON THE TENASSERIM PROVINCES.

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The Tenasserim provinces, situated on the eastern side of the Bay of Bengal, extend from about  $11^{\circ} 30'$  to  $18^{\circ}$  N. Lat. They are bounded on the N. by Burmah, on the E. and S. by the Siamese territory, and on the W. by the Sea. They were conquered during the late Burmese war, and were formally ceded to the British by the treaty of Yandaboo. The breadth of territory from the sea-shore eastward, is not accurately defined, but does not, I understand, exceed on an average fifty miles.

The Provinces are three in number; viz., Amherst to the North, Tavoy (Dha-way) in the centre, and Mergui (Beit) to the South.

The town of Amherst is situated at the mouth of the river Salween. It is the residence of the Master-Attendant who has charge of the jail, superintends the police of the town, and also, I believe, a certain number of the surrounding villages. The town contains 1,500 inhabitants, nearly all Burmans and Talains. The jail contains from 180 to 200 prisoners,  $\frac{3}{4}$  of whom are convicts from Bengal. The garrison consists of one company of native infantry. The climate of Amherst is delightful. It is situated on a high cliff, at the very last point of land which may be called the bank of the Salween. The waves roll on a fine sandy beach, and the refreshing sea breeze would render this a delightful place of resort for an invalid from Bengal. Fish of the best quality is abundant; at present, however, there are no houses for hire. Leaving Amherst and proceeding up the river the course lays nearly north, and after a pull of 25 miles we reach Maulamyne, the principal town of Province Amherst. The banks of the river from its mouth up to the town, present an uninterrupted line of jungul, except here and there where a small house or hut, near a line of stakes in the water, shews it to be the residence or occasional resort of fishermen. The horizon is bounded by hills which run parallel with the stream, and from 1 to 5 or 6 miles distant. They are covered with trees to their summits. The approach to Maulamyne is striking. Fancy yourself advancing up a river about a mile in width. On the edge of the stream stand the Burman mat houses, raised on piles 10 or 12 feet high, while underneath them flows the tide; behind these are seen the tops of the Europeans' houses; and about half a mile in rear of them runs a range of heights thickly wooded, their summit towards the northern extremity being crowned by a lofty Burman pagoda. In the distance in front can be distinguished the pagodas on the heights above Martaban, which is the Burman town on the opposite bank of the river. The Salween is here the W. boundary of the British possessions. The Europeans' houses, and those of the wealthier classes of Burmans, are built entirely of teakwood, raised on piles from 4 to 8 feet from the ground. The roofs are for the most part formed of leaves of the nipah tree (in form like the cocoanut leaf) which are doubled across a bamboo lath of from 2 to 4 feet in length. These leaves form light roofs and keep out the heavy rains that prevail here, admirably. Brick houses are beginning to appear in the town, belonging generally to Moosulmaun merchants: but flat roofs will not bear the rains, during which season an inclined roof of grass or leaves is superadded. The native part of the town of Maulamyne, may be said to consist of one long street, which runs for nearly four miles along the left bank of the Salween; here and there it throws out arms towards the

heights on the E. connecting the main street with the European houses, and towards the river on the W., when the street inclines from the bank : the latter lead to wooden jettés, of which there are several along the shore.

The rise of Maulamyne, and the increase of its population, has been most rapid. Ten years ago, when Sir A. Campbell pitched his tent here after the Burman war, there was nought but jungul, and that overrun by tigers. In former times there had been a fortification, the remains of which still exist, but it had been apparently long abandoned, and tigers and buffaloes were the undisputed lords of the soil. At present there are at least 15,000 inhabitants, consisting of Burmans, Talains,\* Chinese, Bengallees, Madrassees, Merchants from the Persian Gulf, some Jews, and a few stray Malays and Cingalese. Maulamyne was peopled partly by Burman emigrants from Martaban, which on the first arrival of the British was a populous town ; it now consists of but a few huts, the remainder of the inhabitants having been forcibly removed to Beelin, a stockade 40 miles inland. Chinamen emigrated here from Malacca and Penang, and as the trade of the place increased, petty merchants and adventurers of various nations congregated together.

The Burmans and Talains forming the bulk of the population, are the cultivators of the soil : they are also the-day labourers, wood-cutters, boatmen, and carpenters of rough work. The Chinamen are carpenters, shoe-makers, traders, &c. and form the most useful and industrious class in the town. The Bengallees here, both Moosulmans and Hindoos, are any thing but a credit to their country, being principally discharged servants, or people who accompanied the army to Rangoon, and form with the Madrassees the most idle and disreputable portion of the population. The Persians and Jews are merchants ; there are also a few European traders.

The articles which form the principal trade of Maulamyne are teak timber, rice, and ivory in small quantities. Rice is taken by Chinese junks, and ships from the Coromandel coast, to Penang, Malacca, and Singapoer, whence a part is sent to China. They bring tea, sugar, raw silk, coarse China earthen-ware, fire-works, tobacco, coarse paper, opium, and English cotton manufactures. Teak is taken principally by English ships to Calcutta and Madras, and now and then a cargo goes to the Isle of France. The English traders in Maulamyne appear to confine themselves principally to buying the timber as it is floated down the river in rafts from the forest. This may be a sure plan for the small capitalist who thus runs little risk ; but, from there being no regular plan of operations in the forests up the river, the supply of timber of a proper size, is uncertain. The Burmans content themselves with bringing down timber of an inferior size, and they even cut up large trees, ignorant apparently of the increased value of lengthy timber. Ships frequently are detained for months before they can get a cargo, and some depart in despair. If a man of capital were to settle here, I doubt not that by entering into an agreement with Government, for permission to cut timber in some of these extensive forests, a profitable trade would be the consequence. At present the Government impost is 15 per cent. paid either in money or kind, on arrival of the timber at Maulamyne. The port charges are very moderate ; not above  $\frac{1}{4}$ th of those of Rangoon. The price of labour is extravagantly high, as compared with the price of food. No Burman labourer could, I fancy, be entertained under 10 Rs. per mensem. I must add that from what I have heard, some European traders on the Coast have not

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\* Talains are the Peguans.

gained any reputation among the Burman wood-cutters, either for punctuality, or for honesty of payment.

The jail of Maulamyne contains eight or nine hundred prisoners, nearly all of whom are Thugs and other convicts from Bengal. They are employed in making roads and other public works. From 60 to 70 are hired out as servants and labourers, the hirer paying 5 Rs. per mensem for each. The public bazar is a large collection of buildings where a market is held daily. This brings in a revenue to Government of 800 Rs. per mensem, the farm of it being put up to auction every three months. The farmer is allowed to collect a certain sum on each article. Fish in abundance, vegetables, venison from the adjoining forests, Chinese pork stalls, spices, &c. are arranged in their proper wards. There is no beef or mutton to be had in the market.

The European community of Maulamyne consists of the Officers of the garrison, the Staff, the Commissioner, and his assistants. There are the head-quarters of two regts.; one European (H. M. 62d) and one Native, (13th Mad.) Each of these furnishes detachments for the Southern provinces. There is also a company of European artillery. A Brigadier commands in the provinces. The troops belong to the Madras presidency; the civil department is under that of Bengal. There is an American mission establishment consisting of several members. The Government School contains about 100 boys who are taught English grammar, geography, writing, and arithmetic. The boys are chiefly Burmans and Talains; there are also some Chinese and Anglo-Burmans. The American Baptist Missionaries have schools in which children are taught to read in Burmese with a direct view to their becoming Christians. At the head of this mission is Dr. Judson, well known for his philological attainments in the Burman language, and not less so for his perseverance as a missionary during ten years in Burmah. There is a press attached to the mission, where religious tracts are printed in the Burman language. A complete translation of the Bible has been effected by the labours of Dr. Judson, a great part of which is already printed.

A large portion of province Amherst is covered with jungul. The villages lie generally on the banks of rivers, for all Burmans are enthusiastic boatmen. The usual mode of travelling is by water; marching as practised in India is unknown. The relief of troops is sent to the Southern provinces by Sea. When officers march on shooting excursions, or the Commissioner's Assistants go their rounds of the provinces, they put up in the zayats, a sort of bungalow abounding in every village and by the road side. Zayats are built by villages and individuals, for the accommodation of travellers, such act being considered a work of merit. The total population of province Amherst, exclusive of the town of Maulamyne, is estimated at 35,000. The people are scattered over a wide extent of country. The wild animals inhabiting the forests of these provinces are, the elephant, rhinoceros, tiger, leopard, black-leopard, wild cow, buffalo, bison, (uncertain) deer of various sorts, the flying-squirrel, the macaus, and several kinds of monkeys. There are no wolves, jackals, foxes or hares. Peafowls are plentiful, and pheasants are to be found in some parts; snipe and jungul fowl are abundant, but there are very few quails, and no partridges I believe. Adjutants are said to breed here.

I will now attempt to sketch in as few words as possible, the revenue and judicial system followed in these provinces. First I will describe the Native Officers and their duties.

Each village, and each division of a town, is under an officer called a Thoo-gye, who is at the head of the revenue and police affairs of his village. He is paid 10 per cent. on his collections.\* The Thoo-gye is elected by the free suffrages of the respectable householders (£10 'ers of course!) of his village, subject to the approval of the Commissioner. He has no subordinate police officers, nor are there any Thannas scattered through the country, the people of the villages being always willing to assist the Thoo-gye in the apprehension of thieves. There is also in each village an officer called Ka-dain-gye, who is likewise elected by the inhabitants, and is in no way dependant upon the Government. He receives no salary, but appears from what I have learnt, to help or advise the Thoo-gye in his revenue duties. He is eventually elected to that office when it becomes vacant, if he have heretofore given satisfaction to his constituents.

Next above the Thoo-gyes are the Goung-kioups, or heads of districts. These officers have under them a certain number of villages; they reside in their own districts, and decide civil suits to the amount of 60 Rs. They send in a report monthly of all suits entered in their courts. They receive a monthly salary of 50 Rs.

At the head-quarters of each province where the European officer resides, there is an Akhwon-goung, or "head of revenue," and a Tset-kai, or petty "magistrate." The former attends entirely to the revenue affairs of the whole province, the details of which he must be well acquainted with, and overlooks the proceedings of the Thoo-gyes. He receives a monthly salary of 100 Rs. The Tset-kai is the head of police, and decides civil suits to the amount of 100 Rs. This officer receives 120 Rs. per mensem.

The European Officers are as follows: The Commissioner (Mr. Blundell) has supreme controul of every department, judicial and revenue, and is agent to the Governor-General. There is a Senior Assistant in charge of Amherst province stationed at Maulamyne, and an Assistant also in charge of the police of that town. A third is in charge of the town and jail of Amherst, at the mouth of the river. In the Southern Provinces, there is a Senior Assistant at Tavoy for that province, and an Assistant at Mergui.

The Government revenue is derived principally from the rice crop, which is the only grain cultivated, and which is assessed as follows. The European Officer, with the assistance of the Thoo-gye and Akhwon-goung, together with information derived from village records (when such exist), makes an estimate of the gross annual produce of each village, 25 per cent. of which is fixed as the Government share. Two years ago a settlement was made for seven years, taking the average of the three preceding crops from which to calculate the Government share in kind, which under no circumstances was to be more than 25 per cent. The value of this share Government was to receive in money, according to the market price of grain during each succeeding year of the settlement. This year, from there being but little foreign demand for rice†, it is very cheap in the Provinces; and as Government can only claim 25 per cent. of the produce, or its value in the current market price, they will suffer a considerable loss. Any jungul brought into cultivation during the seven years' settlement is free of taxation until the term expires. The rice is generally not transplanted. The crop is sown in June and reaped in December. The only Burman implement of husbandry is a sort of harrow for working fresh ground. When the earth is well saturated with rain, buffaloes are

\* In Tavoy province, when a Thoo-gye's percentage amounts to less than 150 Rs. per annum, it is made up to that sum from the general fund.

† This is in consequence of rice being now cultivated in Province Wellesley, the coast opposite to Penang.

turned into the fields, they trample and mash the soil ; the seed is then thrown down, and no further trouble is taken. Yet the crops in some parts yield 70 fold ! In reaping they cut the straw close to the ear, leaving long stubble, which is partly consumed by the buffalos, and partly burnt on the ground to serve as manure. The revenue derived from the bazar in Maulamyne, amounting to 800 Rs. per mensem, has already been noticed. The Abkarree is farmed out in three (16) chief towns of the provinces, a certain number of shops being allowed in each. The spirit is imported from Madras. The right to vend opium is also farmed to the highest bidder. The drug is brought from Penang and Calcutta. A revenue was formerly derived from the licensing of gambling houses. They are now abolished and the practice forbidden. There is a small tax on the manufacturing of salt. In Tavoy there is a tax upon *pán* gardens, tobacco, chilli plants, pines and other garden produce, but so small as to be little more than nominal. Pines last year sold four and five for a pice ; the tax, therefore, cannot be very heavy.

The criminal laws in force are the Bengal regulations, as far as they are applicable to the existing state of the people. When the Commissioner sits as Judge, in cases for capital offences, he summons a jury, consisting of 13 house-holders, if procurable. They pronounce upon the fact of guilt or innocence.

There exists among the Burmans a slavery called debtor-slavery, by which persons borrowing money become the slaves of their creditors. According to the Burman law the slave could only be set free by absolute payment of the original sum lent, the debtor's labour being considered equivalent merely to payment of interest. Thus he was a slave for ever. On the death of a slave, if he had children, one of them supplied his place. This law has been modified in the provinces, and the way prepared for eventually abolishing the custom. All debtor-slaves must be registered in the Magistrate's Court, or the slavery is illegal. Each day's labour as a slave, counts as two pice, which is deducted from the sum lent, and thus he in time emancipates himself. On proof of ill-usage by the creditor, the debtor slave is at once set free. As the revenue and judicial system of the Southern Provinces is precisely the same as that described to prevail in Province Amherst, I shall merely offer upon them a few general remarks.

The Town of Tavoy (properly Dha-way) is situated above 200 miles South of Maulamyne. It is connected with the latter by a road which runs nearly the whole way through forest : this is scarcely passable in the rains, nor is it much used at any season. The communication is kept up principally by sea. The coast from Maulamyne to Tavoy is bold and rocky ; when sailing along it, high hills are visible inland, the ranges running N. and S. Tavoy lies 40 miles from the mouth of a river, (called only Tavoy river) which runs Southerly, but the town is only eight miles distant from the Sea in an Easterly direction. It is situated in an amphitheatre surrounded by hills. The highest point of the E. range, distant 20 miles, is about 4,000 feet above the sea. The town contains 18,000 inhabitants ; the rest of the province 30,000. This is the only town on the Tenasserim coast that manufactures silk cloths in any quantity. The raw material is brought from China. Coarse cotton pieces are also woven by the women. The town is scattered, most of the houses having a court round them planted with trees. The houses are in general roomy and comfortable ; but few are built of wood ; they are generally of bamboo matting set on wooden frames and raised, as is

universally the case, several feet from the ground. The farm of the bazar here sells for 300 Rs. per mensem ; the farmer, as at Maulamyne, levying a tax on the articles brought for sale. The Tavoyers are a different people from the Burmans, and may be said to speak a distinct language. They had the reputation under the Burman Government of being a riotous and rebellious set, and were kept with a strict hand. When they went to other towns they were obliged to quarter themselves in a particular spot, from whence they were not allowed to be absent between sunset and sunrise. Hence a suburb of Maulamyne is still called Tavoy-zoo, and there is, or was, I am informed, one so named at Rangoon.

The principal trade of Tavoy is carried on by the Chinese junks and Burman boats, which carry the staple produce, rice, to Penang. There is also a small trade with Rangoon and Maulamyne. Tavoy is only 15 days' journey, partly by water, from Bangkok, the capital of Siam ; yet from the jealousy of the Siamese Government in excluding foreigners, little or no trade is carried on. A few Siamese come yearly and bring brass cups, gold leaf, and false hair, which the Burman women wear at the back of the head. Tavoy is celebrated for the manufacture of Burman musical instruments, the chief of which are the harp, the mee-gyoung, (in the shape of a crocodile, with three strings along the back) the patala, a sort of harmonicon made of bamboos and played with sticks, and a three-stringed fiddle, precisely the same in form as the European violin, and must have been borrowed from the Portuguese who settled on this coast more than two centuries ago.

The hills East of the town contain tin, which was formerly used for coining by the Burman Government. The mines are not now worked. There is a race of people inhabiting the hills on the eastern frontier called Karens. They extend as far north as the Delta of the Irrawaddi, differing frequently in dialect, but being every where, substantially the same people. \* They are of a fair complexion, and stoutly made, like all mountaineers. They dress differently from the Burmans, and have a different language and religion. In all the various conflicts for this territory, they appear to have remained secluded, though not an unmolested people. The Siamese used to make frequent forays into the Karen villages subject to Burmah ; and the Burmans were not backward in making plundering excursions among the Karens subject to Siam. They cultivate rice in the hills, but appear seldom to remain above one season on the same spot. They used to reap their crop, and depart to seek a new home, hoping perhaps thereby to elude the search of their plunderers. Such was the state of these people until a few years ago, when they attracted the attention of an American missionary, the Revd. Mr. Boardman, who, in the true spirit of philanthropy, went among them, sought to reclaim them from their savage mode of life, and to impart to them the arts and blessings of civilization. At length worn out by his exertions, he fell a victim to his zeal in the cause of religion and humanity. The fruits of his labour have now sprung up. When Mr. Boardman first went among them, they were ignorant of the use of letters. The Burman character has been adapted to their language by the Missionaries, and a school established in Tavoy where their children are educated. Two hundred have been admitted to baptism, and a hundred more are now candidates for that holy ordinance. The beautiful spectacle is now presented in the midst of these wilds, of Karens living peaceably and permanently in villages ; and from the protection afforded them by the British Government, no longer fearful of invasion and plunder. The Karens are taxed by families. Those on the hills pay 10 Rs. per annum ; those living on the banks of rivers in

the plains, pay 12 Rs., as they can bring their grain and other produce to market with facility. They have no other imposts. One peculiar source of revenue which Tavoy possesses, is that of the well-known edible bird's-nests, which are taken from the caves of a rocky isle off the coast. They are found adhering to the perpendicular surface of the rock, far above the level of the water. The plunder of these used formerly to be a favourite and lucrative pursuit with the Malay pirates. The farm of the nests produce 12,000 Rs. per annum to Government. They are exported to Penang, whence they find their way to China. In Tavoy the cultivation of the Pernambuco cotton has been tried, and the plant thrives remarkably well ; yet the efforts to promote the extension of it has hitherto been fruitless, in consequence of the constant destruction of the pods by a worm or insect. The climate appears to be favourable to the plant. Some trees have borne very fine crops for four successive years. This year it is being tried in Amherst Province, on the banks of the river. The Sea-island cotton might perhaps thrive in the Mergui archipelago, but it has not yet been attempted.

Mergui is the southernmost province. The town of that name is in lat 12° 27' N. and a hundred miles from Tavoy by land. It is called by the Burmans Beit, the name of Mer-gye being given by them to an island further south. The town is delightfully situated on the sea shore. The Burman houses, raised as usual, court the flowing waves ; while the few European houses are on high ground immediately in the rear. Opposite to the town, and separated from it by a narrow strait, is an island, which breaks the violence of the S. W. monsoon. From a hill on its southern extremity, an extensive view may be had of the coast, which is gemmed with innumerable isles, rising abruptly from a dark blue sea. The number of them quite bewilders the spectator. In a harbour of an adjoining island, the French frigates are said formerly to have sheltered during the boisterous S. W. monsoon, from whence they issued forth on the return of fine weather, and pounced upon the British merchant-men in the Bay. The Portuguese had formerly a factory at Mergui, founded perhaps by the followers of Albuquerque from the Straits of Malacca. Their descendants are still numerous. They have adopted the Burman dress and habits ; but most of them, though for a long time severed from all European connection, still preserve the language of their forefathers. There is a French Padre at present here as their Pastor, detached for that purpose from the Siamese mission. They have a neat church. The town of Mergui contains about 6,000 inhabitants, and the villages of the province 6,000 more. There is to be procured here sapan-wood, red-wood, lance-wood, satin-wood, tin ore, and tortoise-shell. The latter is brought by Burman traders from the Saloun islands, which are 3 days' pull to the South. Tortoise-shell sells in Mergui for 25 to 30 Rs. per viss. (3½ lb). In islands to the south the edible bird's-nests are found ; the caves are farmed out as before described. The troops at Mergui are one company of native infantry, and a small party of Europeans.

The population of the Tenasserim provinces being comparatively scanty, \* the duties of the civil offices are light compared with those of a Magistrate and Collector in Upper India. The population is too thin, and the location of it too recent, to permit the existence of those fertile sources of quarrel in Hindustan—village boundary disputes. There is no frightful file of arrears of civil suits. There are no Mooktears surrounding the



courts, and urging on their clients to go to law. It is the custom in common quarrels and disputes, for the Magistrate to grant a *previous hearing* of the case, and if he see no reason for granting a summons, to advise the complaining party to go "and be reconciled with his neighbour," instead of putting himself to the trouble and expense (though the latter is trifling) of coming into court. Instances have occurred of native officers bringing money which had been offered to them as a bribe. But the Commissioner is so open to the complaints of the people that an act of injustice or bribery on the part of the native officers, could scarcely pass uncomplained of and undetected. The comparative paucity of cases, and consequently the attention which can be devoted to the investigation of them, compared with what a Magistrate in India can give, is doubtless one reason ; but the chief cause is, the easy access of the people to the Commissioner. There are no chuprassees round the gates of his house who require a fee before they will permit a petitioner to enter. Neither are they at the kutcheree door to demand the "oil of palms" as an indispensable preliminary to an audience. The people can make their complaints to the Commissioner, or his assistants, at their houses or on the public road, without any danger of being seized and beaten as insolent intruders. The business of the courts is carried on in the Burmese language, in which the evidence is recorded.

The assessment of the land is light ; the prosperity of the cultivator being regarded as the best interest of Government ; nor do I think that even the FRIEND TO INDIA would be able to trace here the zealous exactions of "a first-rate settlement officer." The blessings of a *nirrh* are unknown in the bazars. Every man, or rather every woman, (for the women are the chief traffickers) takes her goods to market, and charges what she sees fit ; prices thus find their level. All that is wanting to raise the importance and prosperity of Tenasserim, is a population to clear and cultivate her extensive forests. The gross amount of the revenue collected in the three provinces is, I believe, four lakhs of Rs. per annum ; the total expenditure, civil and military, nearly twelve lakhs. The military establishment is disproportionately large, in consequence of the peculiar isolated position of these provinces, surrounded as they are on three sides by foreign states ; with one of which, (Siam) we have no regular intercourse, and no resident at its court. The provinces are at the same time cut off from any direct support from the rest of British India. A corps of Talains, for local duties, was lately attempted to be raised ; but Government would not sanction the high rate of pay which they required, the project therefore was abandoned. In consequence of the heavy expenditure beyond the revenue collected, there must be a great accumulation of specie among the Burmans. A part of their money is spent in silk cloths of Ava manufacture, which are very expensive, and a small proportion in English cottons and muslins for the head dress. All Burmans are fond of dressing smartly. The superiority of their clothes, and the comfort of their houses on this coast, as compared with those of the same classes in Hindustan, immediately strike a new comer. The Burmans possess in an eminent degree the elements of becoming a superior people to the surrounding nations. They have few prejudices and no cast. They are brave ; they have great energy of mind and body ; and possess what may be called a desirable quality in an uncivilized people, namely, great curiosity. They are an independent set of men, and have an open, free bearing, though perfectly respectful in their demeanor to their superiors. I speak of the people under our Government. I do not mean to say that in the Burman Empire there is not to be found the same chicanery and disregard

to truth which unhappily prevails in India; but I do say, that the Burmans appear to have a greater capacity for improvement than their neighbours. Fewer difficulties and prejudices lie in their way; they are not encased in the impenetrable armour of caste; under a good Government, with the blessing of education, their many good qualities will be turned to account. Had we possessed any considerable portion of thickly populated territory in Burmah, (Rangoon for instance and the surrounding country,) for one half the time we have been in Bengal, the English and Burmans would by this time have become an united people. The women of rank would have mingled in European society, and the intermarrying of Europeans with respectable Burman families, would have cemented our hold on the country, and the affections of the people. We should not have been the isolated, separated set we are in India. Perhaps no Englishman can associate freely with any person unless he eats in company with him. A Burman is not backward in doing justice to the good cheer of an European. A capital understanding exists between the European soldiers and the Burmans. The former go to the market without knowing a word of the language of the latter, but from mutual confidence a bargain is soon struck. The food of the labouring classes consists of rice, fish and gnapee; the latter is salted fish, mashed into a paste, the odour of the commonest sort of which is not very agreeable to an European. All the fruits of Bengal are found here in perfection, with the exception of the mangoe, which is inferior. The Coast also produces in addition, the doreean and mangosteen; the latter grows only at Mergui. The wild plantain is found here; it has scarcely any pulp, being filled with large black seeds. The cultivated plantains have a superior flavour to those of Bengal. The best fish found on the coast are the pomfret, sole and sea mullet; oysters are also abundant. The mangoe-fish are inferior to those of the Hooghly.

Of the temperature of the provinces I can say but little. The S. W. monsoon sets in about the middle of May. The rain is heavy and almost incessant. The air is then cool but the confinement to the house is tedious. Notwithstanding the excessive dampness of the atmosphere, the climate is very healthy as is shewn by the few patients in the European hospital, when compared with that of any station in Bengal or the Upper Provinces. During the months of August and September I found at Maulamyne, that while rain continued constant, the thermometer ranged between the hours of 8 A. M. and 4 P. M. from 73° to 78°. If the weather chanced to clear for a day or two, it would rise to 85° or 86°: but this was not often. During October when the rain moderated, the thermometer generally stood at 8 A. M. 76° and at 4 P. M. 80°. In November, when there was a little rain during the early part of the month, the average at 8 A. M. was 74° and 84° at 4 P. M. In Tavoy during January the range of the thermometer was generally from 58° or 60° at sunrise to 84° or 85° during the warmest part of the day. Hot nights are not known on the coast, and a blanket is sometimes necessary during the rainy season. There is said to be very warm weather throughout the provinces during March, April, and the beginning of May; but I was not on the coast during those months.

•A. P.



**R E P O R T**  
**ON THE**  
**D E H R A D O O N ,**

**1 8 2 7 - 2 8 .**

**BY THE**  
**HONORABLE F. J. SHORE.**

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**1836.**







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# REPORT ON THE DEHRA DOON,

1827-28,

BY

THE HON'BLE F. J. SHORE.

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[The following Notes are the result of four years' residence in the Dehra Doon. The Report was originally compiled and submitted to Government in the beginning of 1827, additional observations were collected in the end of that year and in 1828, and are now incorporated with the original Report. Of the state of the valley since that time I have no means of knowing.]

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## NAME.

The word Doon, signifies valley. Little was known of it till the time of Aurungzebe. In the year 1756 Sumbut, i. e. about A. D. 1700, Gooroo Ram Roy, who resided at Kirtal-poor (20 koss this side of Amritsir) leaving his nephew there, went to Dillee and Agra to pay his respects to Aurungzebe; from thence he came here, and procuring a grant from the Rajah of Sroenugur for three villages, dug two tanks, brought a stream down an artificial canal from the hills, and built a temple at the village of Dharmoowālā, changing its name to Dehra (resting place); it is also called Gooroodwārā (gate of the teacher).

## DESCRIPTION AND BOUNDARIES.

2. The valley lies within the line of what are commonly called the Himalayah Mountains, although that term, strictly speaking, should only be applied to the line of the snowy peaks, being separated from Suharapooore by a low range of hills, usually called the lower range; the crests of this range form the boundary on the south-west. On the north-east it is bounded by the independant part of Garhwall,—the crests of what are denominated the second range, on which are situated the convalescent depôts of Mussooree and Ludour, form the limit of the Doon territory. On the north-west it is bounded by the Jumna, and on the south-east, strictly speaking, the boundary of the valley is the Ganges; but a small strip of land, varying from a quarter of a mile to five miles broad, on the other side of the river, between that and the hills, forming a part of the Purgunnah of Chandee, has since the acquisition of the valley by the British Government, been annexed to the Doon. The remaining part of the Chandee Purgunnah, divided from the former by a low range of hills, was separated from Mooradabad and annexed to the jurisdiction of the Doon last year: the Rowasun is now the boundary between these two districts,—a small stream, which enters the plains from the hills at Lal Dhang and joins the Ganges about 15 miles below Hurdwar: the length of the valley consequently lies from north-west to south-east. Hurdwar is situated in N. Lat. 29° 57' 16." E. Long. 78° 9' 4"—Dehra the Town in N. Lat. 30° 18' 51," E. Long. 78° 1' 69". The whole of the Chandee Purgunnah was formerly an appendage of the Doon, but about forty years ago the Nuwab of Lucknow, or the local Governor at Nujceabad, it is not very clear which, sent up a force which took possession of the whole of the Purgunnah of Chandee, building a fort at Jogeewala; consequently it was claimed by the English as an appendage to Rohilkund, when that province was ceded to us in 1801. After our acquisition of the Doon, Upper Chandee

was immediately annexed to the valley, and the remainder was so disposed of last year. The Doon Proper comprises five sub-divisions or Purgunnahs, viz., Kulianpoo, Suntoor, Busantpoo, Deooree, and Suhujpoo. The parts near Hurdwar and Dehra are also distinguished respectively by the names of Lower and Upper Doon.

### HORIZONTAL SUPERFICES.

3. The valley itself, including the upper part of Chandee, is in the longest part, i. e. from Hurdwar to the banks of the Jumna opposite Kalsee, 57 miles, and in the broadest part, i. e. the centre, 15 miles, road measurement, which, however, does not wind much. In straight measure it would average about 45 by 11 miles; this would give 495 square miles. Of this, streams may take up about 20; three insulated hills, the Nalapannee, Nuwada, and Zamunkhata about 30; (some little part of which, however, are cultivated, perhaps one square mile); ravines and broken ground about 50; cultivation about 25, and waste, but fit for cultivation, 360, of which two-thirds may be grass and one-third forest land. The lower range of hills is about fifty miles long by four broad, of which about two-fifths may belong to the Doon, for the line of crests is not in the centre; this would give 80 square miles. From the broken nature of the ground scarcely any part of this is fit for cultivation, but the whole range is covered with trees of various sorts, among which is some very fine timber. A fir, something like the coarse Scotch fir, is also found on these hills. To these must be added a part of what, strictly speaking, belongs from its situation to the hills, viz., a hill division not far from Dehra, opposite the Rajah's province of Sukniana, but which has always been annexed to the Doon. It comprizes about 60 square miles, and contains 70 villages, or rather petty hamlets, some of them not having more than one or two huts; the cultivation may probably amount to 2½. We have yet to reckon the ascent of the hills of Mussoree, Budraj and Ludour, to the crests of which the boundaries of the Doon extended. This comprises about 80 square miles, of which probably 3 may be cultivated, between Bhogpoo and Rekikes; the foot of the hills form the boundary of the Dehra valley.

4. There are, however, in the latter part many spots, and some few on the lower range of hills, both together perhaps equal to 20 square miles, which are even now fit for cultivation, several more, which by levelling and terracing, as is done in the hills, might be made so; and several other spots, and some even in that under the head of ravines and broken ground, calculated for the "keel" cultivation, hereafter described.

5. In addition to the whole of the above, must be reckoned the half of Purgunnah Chandee, transferred from Mooradabad to this jurisdiction last year. It is a small three-cornered bit of land, containing about 35 square miles. It contains only 7 villages. About 1½ square miles may be cultivated, and one-fourth unfit for cultivation. It is separated from Mooradabad by the stream Rowsun, and from Suharunpoo by the Ganges. It joins the Dehra Doon and the Sreenugur Tehasildaree, making the district more compact: the map shews how the whole lies.

6. The total would thus appear to be about 740 square miles, of which only 28½ are cultivated, besides which more than 400 are fit for cultivation.

### RIVERS.

7. There are only two, viz., the Ganges which enters the Doon at Tapoobun, about 2 miles above Rekikes, and leaves the valley at Hurdwar, running about 17 miles within

the Doon; it is rapid and full of islands, which by dividing its stream makes it sometimes fordable in some places, although with difficulty. 2d, the Jumna, which enters behind the Budraj mountain, and runs into the plains about 3 miles above Badsha Muhal an ancient royal hunting seat: its course bounds the Doon for about 18 miles (by the river). The Ganges bursts out through a break in the hills, full a mile broad, without having any thing particularly picturesque about it; but the Jumna winds for about nine miles through the lower range of hills; the scenery along its banks is beautiful. Neither river is navigable for any thing but timber rafts for several miles after leaving the Doon, on account of the numerous rapids.

8. There are many streams, some of which come from the second range, some from the lower range, and some rise within the Doon: the Sohun, one of the first description, is the largest and the only one of any size: it is ordinarily about 30 feet wide by 2 deep, about 5 miles from where it joins the Ganges; but it is impassable after heavy rain. The streams are beautifully clear, running over gravelly and stony beds, some of which are very broad. There are many stream courses, which are dry, except after rain; and the quantity of water that even in the rainy season comes down, is small in proportion to their breadth: others again have water running in some places, which disappears under the gravel, and re-appears again here and there.

9. Near the centre of the Doon, water for irrigation is not procurable; whilst towards the Jumna some trouble and expense will obtain it: and in some parts, towards the Hurdwar end of the valley, there is more than could be required, procurable with very little trouble.

#### PASSES.

10. To the plains these lie through the lower range of hills, and are merely the beds of torrents, of which two make a pass. These rising at the crest run one into the Doon, and the other into the plains. In some a small ridge is crossed between the heads of the two streams, and there are three or four Choor Ghatas (thief paths) winding over the ridges: these are difficult foot-paths. There are also two, bordering the Gunga and Jumna, which go round the two ends of the lower range of hills; and one which crossing the Jumna goes into the Kearda Doon, and from thence branches either into the Sikh territory or by Nahn to Subattoo. The first sort are very stony and steep near the crest on the plain's side. Altogether twenty are known, of which three of the first mentioned sort are practicable for carts, viz., Timlee, Kheree, and Khansrow, but with great difficulty:—three for laden bullocks or ponies, viz., Kaloowala, Koojnâwur, and Sulempoor: the rest are foot-paths, some of which are bad for footmen, but others may be passed by a horseman, if he dismount and lead his horse carefully at the bad parts. There is also a line, or rather track of road from the Doon into Rohilkund, by crossing the Ganges at Lukurghat, and going down the Chandee province, crossing the hills, which divides it at a pass called the Deleeghata, and thence to Najeebabad. It is a much better line to pass from the Doon to Rohilkund were there any traffic that way, than to go out at Hurdwar and keep along the right bank of the Ganges to Bhojpoor, at which there is a ferry. Formerly the Cashmeer caravans used to pass by this road.

11. Those into the hills (Gurhwall) are merely foot-paths; some ascend the hills at once, others lie first for some way along the bed of a stream: those used for merchandize are by Rajpoor, Nagul, by Sakniana up to the bed of the Sohun; Thanoo, Bhojpoor, up a stream lying between these two villages, Rekikes, and after crossing the Jumna, by

Kalsee into Jounsar, and through the Keearda Doon by Nahun to Subattoo. This description is of the passes in their natural state.

## ROADS.

12. The roads were till a short time only foot-paths, but since an officer has been resident here, he has with some convicts and liberal aid from Government, made some very good roads. From Shorepoor Choki (at the Doon mouth of the Kherree pass) to Rajpoor through Dherce, 15 miles have been made. From Dherce to Hurdwar is 31 miles, 20 of which is over a new line, over a steep hill. The old road for this part was 23 miles, and crossed 34 streams, some of which were very rapid and full of large stones: the Sohun was crossed twice. Of the whole, nearly 20 miles are finished, and it is hoped the remainder will be by next season of 1827-28. In addition to this, about 5 miles in different places have been made; also about 6 miles by the villagers, which mode of constructing roads is encreasing; as by a little persuasion, they seeing the advantages, very willingly work on them, only asking for the loan of tools, and a man to show them how the road is to be made.

13. The new roads now most required are from Dherce to Synspoor, and thence branching to Kalsee and Rajghat, from Dehree to Nagul, and from Hurdwar to Rekikes. In the Pergunnah of Chandee also there is probably room for much good in the road-making department.

14. There are two roads estimated for, and authorized by Government, now constructing under Lieut. Debude, of the Engineers: one is round the Hurdwar pass, and is finished as far as was authorized; but it should be carried on for about a mile more at each end, to make the work complete, as those parts are with difficulty passable after heavy rain. The estimate was 8,000 rupees in addition to tools and gunpowder from the Government stores, and the services of a non-commissioned officer and six of the sappers to superintend the mining, which may be reckoned at 4,000 rupees more. The road is three-quarters of a mile long; almost the whole of it is either cut through rock, or supported by a steep stone wall built for that purpose: two bridges of masonry, but of no great size, were also found necessary.

15. The other is through the Kherree pass, which is 7½ miles long. For four miles and three-quarters of this, the sum of 12,000 rupees was authorized; the road is now in progress, but it will cost probably more than the sum allowed. It will, however, be a most useful work; but as this subject will shortly be brought before Government more at detail, it is needless enlarging now. The mode in which this road was attempted to be made, is however worth noting. In one place, the officer in charge of the Doon, observed the centre of the water course raised so as to be rarely covered with water, which made its way in a channel at each side; the idea struck him that if a road could be so constructed it would be practicable at all seasons of the year. It was out of the question to make a road at either side of the river bed, unless at a most enormous expense; for in some places many feet, in one not less than a hundred, of perpendicular rock must have been cut through, and the immense number of tributary streams would have required an equal number of bridges. The road was made accordingly on the above principle, and found to succeed completely near the upper part of the water course; but towards the lower end the current of water in the rains is too great to admit of it. This part being, however, pretty level, is rendered passable for nine months of the year by re-

moving all the large stones and leaving a bed of gravel immediately after every rainy season. Near the crest the road is still much too steep and should be improved.

### BRIDGES.

16. There are no bridges in the province, with the exception of two small ones lately built by Government, over a ravine near Dehra, and those on the road near Hurdwar just mentioned.

### FERRIES.

17. One at Rajghat on the Jumna, leading into the Kearda Doon, two over the Ganges, one at Chandee, the other at Dialwalee, 13 miles below Hurdwar : all these have good boats fit to transport carts and heavy baggage. Two others on the Ganges at Lukurghat and Rekikes, but they are only canocs. The Jumna opposite Kalsee is fordable except in the rains, when temporary rafts are made ; about two miles below, it receives the Giree Gunga, and a mile below the Tonse ; both come from the opposite side : the Tonse is a larger river than the Jumna, and is always crossed in a boat. It has been said that the Ganges being so full of islands, is in some places occasionally rendered fordable. The only permanent ferries are those at Chandee on the Ganges and Rajghat on the Jumna ; at the others, boats are not always to be found, but are sometimes kept up by the neighbouring villagers, and at Dialwala by the farmer of the forest produce duties. The traffic at these places is not sufficient to support boats regularly.

### HOUSES.

18. The houses of the Doon are chiefly grass huts : some few are built of unburnt bricks. The natives had an absurd idea, that mud walls built by the hand or "*en pie*" would not stand ; but the English residents have shown the contrary by building in this way ; they are partially getting into the practice. The only masonry houses (exclusive of the temples, and the English houses) are three at Dehra, one at Rajpore and three or four at Rekikes belonging to two Brahmins, the rest to shop-keepers : there is one at the Doon side of the town of Hurdwar, the property of a zemindar in the Doon, who, however, was only enabled to build it by having married the only daughter of a rich Sikh Surdar : it is the only house forming part of Hurdwar situated within the limit of the Doon, and like all the other houses at Hurdwar, merely a country house for the fair time. It certainly is amusing to see the contrast in the immenso sums laid out in these Hurdwar country houses, and at Kunkul, two miles off, some of which have cost thirty or forty thousand rupees each, and which the owner sees perhaps for a few days once in five or six years,—and the comparatively miserable huts they are content with at home ; but fashion and prejudice will do wonders.

The houses of the hill division annexed to the Doon, and some few in the valley itself, are built of stone, as is the hill custom, but chiefly thatched, a few being slated ; some few are upper-roomed, and a very few in the town of Dehra have tiled roofs.

### TEMPLES.

19. There are but few temples : the handsomest is that at Dehra, which is a Sikh temple, founded by Gooroo Ram Roy, as above mentioned, in 1756 Sumbut, A. D. 1790.

It is an enclosed square, with a gate in the centre of each wall. In the area are five buildings, one in the centre and one at each corner, built in commemoration of the Gooroo's four wives, at a short distance from it : they are built of brick, plastered over and painted in imitation of mosaic, and though not large, are neat, and the whole together, being well clothed with trees, has a retired, quiet appearance well suited to religious feelings. In the centre building is the bed of Gooroo Ram Roy. In its structure the building has more of the Moossulman than Hindoo style of architecture. The establishment all live in detached houses.

20. There is a very neat temple at Rekikes, and a small one at the village of Khurkuree near Hurdwar, and some others in different parts of the valley ; but none of them have any thing in their appearance particularly worth describing.

21. Although not a temple, the holy spot of Sostro Darra (or thousand drippings) must not be forgotten. It is often called Sansedara (which may perhaps be a corruption Sungsar Dara, the world of drippings.) It is formed by a small stream, which at its junction with another, falls over a perpendicular rock about 30 feet high. The stream is strongly impregnated with lime, which leaves a crust on every thing on which it falls. This has gradually accumulated on the edge of the rock till it projects and forms a shallow cave, but as trees, bushes, and grass have grown on the edge of the rock, and in the earth brought down and deposited in the accumulation of lime, the water now instead of falling over the rock drips through the accumulated mass (of perhaps ages) in thousands of streams, some as large and some larger than very heavy rain, whence its name. It is a most beautiful natural object, and at certain hours at particular seasons is rendered more so by an artificial rainbow caused by the rays of the sun falling upon the light drippings and spray.

22. Every stick, leaf or blade of grass which it touches becomes a petrification: perhaps not strictly speaking such, for the mode in which they appear to be formed, is by a crust of lime surrounding the substance in the first instance : this gradually eats away the inside, which is filled up with the incrustation of lime. There are enumerable stalactites hanging from the roof of the cave, and the ground underneath is covered with stalagmite, so hard that the blows of a strong man with a heavy sledge hammer are requisite to break it. The breadth of the part through which the water drips, including the above and another smaller cave, is perhaps twenty yards.

23. Like all uncommon objects, it is a place of *teeret* or holy pilgrimage ; a lump of stalagmite in the smaller cave, passing for Mähä Deo. The pilgrimages made to it are not more than sufficient to give a subsistence to two poor Brahmins, who reside at the village of Nagul, a mile off, and attend on those who pass through to visit the spot. The English visitants are much the best customers, as they pay more for specimens of the petrifications than the Hindoos do for the Brahminical ceremonies attendant on bathing.

Joining the larger stream, on the opposite side to the dripping rock, is one strongly impregnated with sulphur, which has by some been said to resemble the Harrogate water. This stream also petrifies sticks, leaves, &c.

#### FAIRS.

24. Of these there are but few, and those very poor. The best is the Hoo-lee fair held at Dehra. It is chiefly frequented by the Sikhs, and the average number of

people is perhaps three to four thousands. It lasts about nine days, during which time some of the people go to and return from Hurdwar. When the Dehra fair breaks up, most of the assembly go home, but some few wait for the Hurdwar fair. Very little merchandize is brought, chiefly consisting of hard-ware, cloth and a few ornaments; the goods are of the coarsest description. At Chundermunec and some other places, a small fair is held occasionally, that is, a few of the Doon people, chiefly the women and children, go and bathe there. At Rekikes and Tupobun a small collection of people takes place after the Hurdwar fair; it consists almost entirely of those who go from the latter to Budree and Kedarnath, Gungotree and Jumnotree, and other holy places in the hills: some to only one, some to more, some to all.

### FORTS.

25. There is no fort now left in the province; but the remains of several are just visible, built by the Government, according as the existing Rajah or his local Governor took a fancy to make any particular spot his residence; of these Nalapannee or Kulunga, where Gillespie was killed (the latter is a general name for a fort on a high hill) about four miles from Dehra, is the chief: this and one upon Budraj were Goorka forts, and were built of blocks of stone with a little masonry: at Koshalpoor near Synspoor, Suntoor Gurh, near Majra on the Kheree road, a spot above Rajpoor, at Jogceewala in Upper Chandee, in which is a well lined with masonry, and possibly in other places, are the remains of ancient forts. The latter are all in the valley, and were built of mud like those in the plains. The whole are now in ruins, and the vestiges of some are not sufficiently perceptible to attract a person's attention unless he be told what once existed. Of Kulunga, to which but a few years ago the attention of all India was drawn by one of the most gallant defences recorded in history, and by the death of Gillespie, literally not one stone remains upon another, and scarce even a vestige to show that any building had ever been erected on the spot. Two old burr trees at the highest peak of the hill, mark the spot where one of the inferior Goorka chiefs fell. They were lopped of all their branches and reduced to miserable stumps by the English guns; they have now sprouted and are flourishing as green as ever, while the majority of those who fought around them, and by whom they were nearly destroyed, have since mouldered into dust.

### TOWNS.

26. The only place now approaching to any thing like a town is Dehra, situate in E. Long. 78° or 69°, N. Lat. 30° 18' 51," and may be said to have been founded by Gooroo Ram Roy, as only a small village previously existed on the spot: it contains 518 houses, and 2,126 inhabitants. What are now the villages of Jakhun and Nuwâdâ are said to have been, the former a very large town, which decayed many years ago; the latter a tolerable sized one which decayed about thirty years since. There can be no doubt that Jakhun was once a considerable place; the remains of stone temples, and blocks of carved stone, are still to be seen. There are also the remains of stone walls which once surrounded the enclosures usually made about houses in this part of the country. In digging near the spot, remnants of pottery were found in considerable quantities. At Nuwâdâ are still the remains of stone houses two stories high.

### VILLAGES.

27. Some are very good sized: the largest contains 97 houses. There may be about fifteen, each containing fifty and upwards, and twenty seven, each containing more than



thirty and less than fifty: the rest are small, some only containing two or three grass huts, and some of the hill villages only one house each.

### POPULATION.

28. At the end of 1823 an attempt at enumeration was made; which, as the district was small and tolerably compact, it was thought might be feasible. The result was as follows:

Houses.	Subr. Do.	Men.	Boys.	Women.	Girls.	Beg. Fakeera.	Total.
4,962	8,188	7,465	4,309	6,133	2,031	241	20,179

Of these the first column, houses, stands for families; the second is the actual number of houses; as some families have several houses belonging to them, all enclosed in the same yard, inhabited by different members of the family. The facility and cheapness of building the grass huts, of which most of the dwellings are composed, encourages this. This would give on an average rather more than four to a family; which is probably a tolerably correct estimate.

29. The small number of children, in proportion to the men and women, will excite surprise. It may in part be accounted for by the fact that a large number of the men under thirty years of age, are unmarried, and that a considerable number of the women are old widows: for this the only probable cause is the Goorka invasion in 1804, and subsequent tyranny, which caused the death or emigration of some thousand inhabitants; the deaths chiefly falling on the men; while of those who remained, numbers destroyed their female children as soon as born, both to avoid the trouble and the expense of marrying them, and for fear of their being victims to the licentiousness of the Goorkas, who for some time did not scruple at taking any handsome girl they saw. This, however, is only a suggestion.

30. To the above must be added the Sirmour Battalion. This being a local corps, is permanently cantoned at Dehra, the families of many of the men live with them, many of them also have a number of relations seeking service, residing with them; consequently the numbers in and attached to the regiment amount to more than is usual in regular corps. The total number of people of all descriptions in the lines, is perhaps 4,100, viz., fighting men 900; followers and families, at 3 to 1, 2,700; Bazar, officer's servants and miscellaneous 500.

31. The establishment of the Court Jail, &c. may be estimated at 250, which will make a total of 24,527, for the population of the Doon, excluding Lower Chandee.

32. During the cold weather, i. e. between the sowing and reaping of the wheat crops, about 2,000 hill men come down to work as laborers; and about an equal number from the plains to cut timbers, and bamboos, to make line, khat, and other mercantile purposes.

### WELLS.

33. There are very few, which, in some parts is owing to the great depth required to find water, and in others to the people not being in the habit of digging them: in the Hindoostanee phrase "their fathers never did, how can they?" for in some parts of the Doon

wells would be extremely useful, to supply water both for drinking and irrigation, as is done in the plains,—and might be dug at very little expense.

34. By mentioning the wells and their depths, some idea may be formed of the irregularity of the Doon soil: there is one in the town of Dehra, total depth 88 feet, depth of water in hot weather 6 feet. This was dug 41 years ago; it is 15 feet in diameter and lined with masonry. One at Suthee Bag, 75 feet total depth, dug in 1823 by Juswunt Sing, a Sikh Surdar, for the use of the pilgrims to the temple at Dehra, also of masonry. One at Jajra, about 4 miles from the former, thirty feet deep, a fine stone well, dug many years ago. One at Hurripoor, two miles from the above, fifteen feet deep. Two at Synspoor, and one at Dhakee, a mile off, all shallow. One at Rampoor or Hurro-walee, six miles from Dehra, on the Hurdwar road, 45 feet deep; all of masonry. A good well of masonry in the fort of Jogeewala, in Upper Chandee.

35. There are several others not worth mentioning; but it may be observed that near Dehra, in the centre of the Doon, a very great depth is required, and towards the Ganges and Jumna it gradually diminishes. The well in the lines of the Sirmoor Battalion is 175 feet deep; it has one spring, and although it contains plenty of water in the rains, it has hitherto dried in the hot weather; it was dug two years ago by the Barrack Master. That in the Kucheree grounds is 228 feet in the whole; it was finished in the hot weather of 1826, and then contained  $4\frac{1}{2}$  feet of water, and as this was the second of the extraordinary dry years, it probably never will fail. The water did not commence rising until the end of July, although the rains began early in June, and continued to rise until the 16th November, nearly two months after the rains had ceased, when it rose to its highest, there being  $59\frac{1}{2}$  feet of water; it then commenced falling, but much more gradually than it rose. On the 21st April, 1827, there were 29 feet 8 inches of water: when it was at the lowest in 1827-28, it never contained less than 13 feet of water.

36. The mode in which this well was dug is worth describing. The first was begun after the rains of 1823, and had reached to a depth of 157 feet, when the *chota bursat* of 1824 (name given to rain which sometimes falls a month or six weeks before the regular rainy season) came on earlier and heavier than usual: the gabion work with which the interior of the well was lined, not being sufficient to support the moistened earth, the whole fell in. After the rains of 1824 a new one was commenced at about 30 feet distance from the old well, and in the hopes of reaching water before the next rains, a double party of men were engaged, and the work continued day and night; but by the end of March, 1825, when the depth was 160 feet, it was thought advisable to secure what had been done, and the masonry shaft was built up with a clear diameter of 9 feet. When this was completed, the digging was continued for about 25 feet, and a second shaft built to meet the base of the first. This was done during the rains of 1825, the depth being so great that that season had not sufficient effect to prevent the work being continued. A third, and afterwards a fourth shaft was constructed, each meeting the base of the one above it which was supported, while the new one was building, for all were of the same diameter.

37. It was supposed by several engineers who watched the progress of the work, that when water should be found, it would rise considerably, but this was not the case. The first water was found at 182 feet, a very small spring, so little as to lose itself in

dribbling down the sides of the well : at 210 feet a larger spring was found ; at 218 the diggers reached what appeared to be a bed of water, but it sunk as the well was deepened ; and it was not until the depth of 228 feet had been reached that the water amounted to four feet and a half. But as this was in April, 1826, after two dry years, and it was found impossible to diminish the water in any quantity by all the buckets that could be applied, this was deemed sufficient, and the result has proved it to be so, as above described. A platform of masonry was raised to a height of two feet, round the mouth of the well, making its total depth 228 feet ; yet the level of the ground, where this well is dug, is only 15 or 16 feet higher than that of the town well, which is only 88 feet deep.

39. The well was dug chiefly to supply the Jail, and those in attendance at the civil office. It is fitted with capstan and hand windlasses. By means of the former, four men will from a depth of 200 feet or more draw up about seven buckets per hour, each containing more than fifty gallons. The water is soft and peculiarly fine ; it is in great request among the men of the corps and of the surrounding villages, being fit for boiling the different pulses known by the name of *dāl*, which cannot be softened by boiling in the hard water of the artificial canal or of the well in the town.

40. The whole work was completed under the superintendence of the officer in civil charge of the district, and it is a curious circumstance that almost all the workmen were men who had scarce ever seen a well before ; the diggers in particular, who were all hill men, for those of the Doon were too timid to be persuaded to descend the well. They had to be taught every thing, even to make ropes with a machine, as till that time the only mode of making ropes in the Doon was by twisting them by hand. After a few trials with machinery on the English plan, they produced ropes 300 feet long each, scarce inferior to those of English manufacture. The capstan windlass proved an excellent contrivance. Before its erection, for it was constructed during the progress of the work, with nine men digging below, it required twenty-seven men to draw up and carry away the earth ; by the help of the windlass, with the same number below, nine men were sufficient : thus causing a saving of eighteen men, at 3½ rupees a month each, or 63 rupees per month ; while the cost of the machine was 120 rupees. Major Colvin, of the engineers, who had lately dug a well near Hansi at a cost of about 4,000 rupees, declared after seeing this windlass, that a similar contrivance would have diminished the expense of his well full 500 rupees. The well in the Doon, of which we are speaking, cost nearly 12,000 rupees.\*

41. Three wells, one lined with masonry 96 feet deep, the others with wooden frames, have been dug in different villages by the people, a fourth is now in progress in a newly peopled village, at the expense of the engager. It would be very desirable to increase the number of wells, as being for drinking infinitely preferable to a stream. A well once properly made lasts for years, or even centuries, and gives good and clear water ; but a stream, if small, is often dirty, and from the immense quantity of jungle in the Doon, they are strongly impregnated with the effluvia of putrid vegetation ; if artificial, they are constantly requiring repair : many instances can be adduced from experience in this province of the utility of wells in preserving the health of the people.

#### TANKS.

42. The only two worth mentioning are those belonging to the Dehra temple establishment before described. There are, however, still visible the remains of a considerable

number, which were made by throwing a bank across a small hollow in the ground ; from the very old appearance of those near Dehra, they would seem to have been made before the artificial canal supplying the temple tanks, was dug.

#### ANIMALS.

43. Of the larger sort are elephants, which among the natives are considered a particularly fine breed. Tigers not so large or so fierce as in Bengal ; the average whole length of a good number, gave about 8 feet and half. Leopards, two sorts. One averaging about 2 feet 2 inches high, the other not above 20 inches ; a third, the cheeta, is also said to be in the Doon, but this is doubtful. The black bear with the white crescent on the breast, similar to that of the Himaleyah, is not uncommon ; and the striped hyena is occasionally found : the wolf is unknown ; the people have not even any name for it, which is rather strange, considering that it is common in the neighbouring province of Suharunpoor, separated only by a range of hills. \*

44. The elephants caught in the Doon, and particularly those of the Chandee province, are considered by the people as a peculiarly fine breed for riding elephants ; the Commissariat disapprove of them as being unfit for baggage animals ; this may be true, but it is very doubtful whether the Commissariat have ever made the experiment, simply because the usual price of these elephants is far beyond the sum allowed for those bought for the service of Government, particularly of late years. The Sikhs are the chief purchasers not only of the elephants caught here, but others brought from a distance ; and the increased demand for an article of luxury, such as riding elephants, indicates increase of wealth among the chiefs and landholders of the Panjab. \*

45. The tigers and leopards are very numerous. The latter are much the most daring in coming into the villages, and even occasionally pushing open the mat door of a hut, from which they will take away goats and calves. They sometimes take their prey up a tree to devour it, or sit upon the branch of a tree watching for prey : they are said to attack men, which leopards certainly do in other parts of India, but it is very doubtful whether a well authenticated instance of their doing so in the Doon could be adduced, i. e. purposely by way of prey : they will do so in revenge when wounded, of which many instances have occurred. The number of men and cattle killed is but very small in proportion to the number of tigers and leopards, which apparently live chiefly on wild hogs and deer. In the course of six years no less than twenty-six tigers and leopards have been killed within four miles of the station of Dehra, some of them close to the town, besides abundance in other parts of the province. Wild elephants have been seen within four miles of Dehra, and bears sometimes cross the parade. There is not probably a station in India where large game is found so near as it is to this.

46. There is also the fox, like those of the plains, jackalls, wild dogs, wild cats, several sorts, one of which is very pretty, being like a leopard in miniature ; squirrels, (the common sort of the plains) weasels, which grow very large, bandicoots, monkeys, 2 sorts, bundur and lungoor, rats and mice, caracals, a species of lynx, the bejoo, a species of badger, one more species of civet cat, and several sorts of pole cats are common. One of the latter, called tooturaloo or kosiab, is a pretty, lively, animated creature : it grows to about three feet long, of which the tail is about half : the hair is tawny at the roots with black ends, so that as one or other of these predominates, the animal varies much, some

appearing tawny, some brown, and some almost black : the throat and upper part of the breast in all is tawny yellow, more or less bright. When domesticated, it may be allowed to run loose, and is the most playful animal in existence, being never still from day-break till dark. One of these was taken to England by Mr. Shore, and presented to the Zoological Society. The large fox of the hills, as big as that of England, is found on the Mussooree and Landour ranges; the tip of its tail is almost white.

47. Of game, are deer six sorts—the mähā or jurao, a fine large animal, with splendid antlers ; khakur or ruttooā, a small red deer, about 20 inches high, with dog eye teeth and small curved horns, and makes a noise like a small dog's bark ; the cheetul or spotted deer ; the jhank, a large red deer with branching horns ; para or hog deer ; chikārā, a small deer with four horns. The natives mention an additional species—the dodur, a red deer, smaller than the cheetul, but these are rarely seen : it is something like the hog-deer, but when young is spotted with white, it retains a few spots when full grown. The roz and neelghaee are found in the lower range of hills : the former name is applied to the male, the latter to the female. The goorul (so called by the English,) but the proper name would be gweldr, (the ldr being conglomerated into one letter at the same time that the sound of each was heard : none but a Welshman could hope to succeed) a species of antelope as large as a middle sized goat, of a brownish grey color, with short black horns, slightly curved back, is found on the Mussooree and Landour range, but it never descends to the valley. It may be observed that the same animal often has more than one name, some have a dozen, being differently named by the inhabitants of as many different adjoining petty provinces, it is in consequence ludicrous to hear the discussions among the half informed sporting gentlemen as to the correct name. There is perhaps none which has given rise to greater difference of opinion, or more fierce discussions than the word barasingha, which species of deer is the real barasingha. Now, whatever may be the case in other parts of India, in the Doon and hills there is no one deer to which the name barasingha is specially applied. The literal meaning of the word is "twelve tynes," and is applied to any deer that has fine branching horns : idiomatically translated, its most correct synonyme in English would be the vulgar term "wapper ;" a native would exclaim "there goes a fine barasingha," just as an English peasant might call out "there goes a wapper," and this is the real and simple truth in the matter which has already wasted as much breath as would serve for all the tattles in India were the wind to lull for a month. The hare, porcupines, (which grows to a very large size,) and wild pigs, are common. The hog is not very large, and is rarely found in ground sufficiently open to hunt. Tigers are seldom found in places which will allow of their being pursued upon elephants, and are usually killed by men who sit in a tree to watch, or by large parties on foot.

## BIRDS.

48. Birds of prey. Eagles three sorts—the black-headed, brown and fish eagles : common vultures and several smaller sorts, brown and white, which it is doubtful in which class they would rank : kites, hawks, crows and ravens.

49. Of game birds there is the peacock ; one sort of pheasant (the kaliz) ; partridges, the black and grey ; jungle fowl ; quail several sorts ; curlew, snipe, and wild fowl, are occasionally seen, and now and then a woodcock comes down from the hills after a heavy fall of snow. The kaliy, which is figured in Kirkpatrick's Nipal, is the only pheasant found both on cool ridges as well as in the warm valleys. The golden green or Impeyon, (the rusac or moonal of the natives, the former name being given to the

cock the latter to the hen bird) the koklas or fuklas (*phasianus pucrasia*;) and the cher (*phasianus stacei*) a reddish brown bird, with a long tail, spotted and barred with black, are found on the tops of the second range just on the limits of the Doon. That beautiful bird, the singhar churra (the horned pheasant of Latham), absurdly called by the English the argus, seeing that there is as much resemblance between the two as there is between a Guinea fowl and peacock, does not approach so near the valley.

50. There are many others, viz. parrots two sorts, the red headed (the blossom headed of Latham) which is the male, the female having slate colored head, the bodies of both being green. A green one, with an orange and black ring round the neck, and one all green; these are also male and female. Pigeons, the green and common blue, while the kokla, with its beautiful mournful whistle, is found on the hills which rise just above the Doon. Doves four sorts, besides an infinity of small and large beautiful plumaged birds, which it would require a naturalist to describe. Water-birds are scarce, excepting a large species of black cormorant, of which there are great numbers in the spring on the Ganges and Jumna. A stray pelican sometimes makes his appearance. There are also three species of hornbill, one of which is rare; it is a splendid bird, with a horny crown on its head, and is called by the people the bun-rao, prince of the forest.

#### REPTILES.

51. Reptiles, or at least what are usually denominated such, although naturalists may class them differently, are common enough. Snakes of several sorts, particularly water snakes. The only poisonous one hitherto known is the cobra-de-capella, and that is rare. The boa is found in the woods and said to grow to an enormous size. The largest seen by anyone who can be depended upon, measured fifteen feet long and twenty-three inches in circumference. Frogs, lizards, guanas, and chamelions are numerous. Scorpions abound in certain places and seasons, particularly under the stones in the dry beds of streams. In the Kheree pass, in turning up a few stones, no less than ten were found one day. They are moderately poisonous, but in some of the narrow hotter valleys, within the hills, the poison is much more deadly, while those found on ridges five or six thousand feet high, are harmless. The leeches should be mentioned, which in the rains are found in the grass, and even on tress, as well as in water. They are a great annoyance to every sort of animal, as they get up their nostrils, and hanging on by a sucker at the tail, would remain for months unless taken out by men. By watching for the leech putting out its head when the animal drinks, it may be pulled out. It is supposed that they get up the nostril when very small and rapidly grow to their full size; for an instance occurred of a leech being found up a woman's nose. Had it been any size when it crept up, she must have perceived it at the time.

#### FISH.

52. The native fisherman reckon twenty-four sorts, of which those only worth mentioning are the gonch, a fish something in shape like the English miller's thumb, or "bull-head," but this grows to four or five feet long, and several stone in weight: it has several rows of small teeth in the upper jaw and one row of large teeth in the under; this is found only in the Gunga or Jumna. The mähā-sheer, which grows thirty or forty pounds weight, and when small, i. e. from one to seven or eight pounds, gives the finest sport in fly fishing to be had perhaps in the world. What is extraordinary is, that such large fish should be found in abundance in streams not three feet deep. The sout about the same size as the mähā-sheer. Some few small trout are also found.

## INSECTS.

53. Are extremely numerous, and some very beautiful. Bees are found in the woods; but few people keep them. Sometimes during the rains the ground where it is swampy is perfectly illuminated by fire flies.

## HEIGHT ABOVE THE SEA.

54. The following heights of different places in the Doon are taken from Captain Herbert's measurement. Temple at Dheree is 2,369 feet above the sea; Temple at Bamunwala, three miles from Dheree, about S.W. 2,220; Nalapannee or Kalunga Fort, 3,286; Nuwada village, on the hill of the same name, 2,364; Koonja, near the Jumna at a point  $\frac{1}{2}$  of a mile east of the village, 1,618; Synpoor, 1,754; Tankat Sutheebag, 2,086; Mitteeberree, 2,189; Rekikes, 1,427; crest of the Timberpass, 2,339; crest of the Khoree pass, 2,985—these two are in the lower range of hills—Hurdwar, 1,024. The level of the valley falls from Dehra towards the Ganges and Jumna, and towards the lower range, and rises towards the second range of hills. Rajpoor, at the foot of the latter, and seven and half miles from Dehra, is probably 1,000 feet higher. The ridge of the second range of hills would average about 4,500 feet above Dehra. Budraj, the highest point in the ridge, is by the surveyors calculated to be 7,300 above the sea; a little behind this ridge lies another, that of Marmor, considerably higher, so much so as greatly to obstruct the view of the snowy mountains from the first mentioned ridge. Soor Kundee Debee, 16 miles, as a crow flies N. E. from Dehra and visible from it, is more than 9,000 feet high. The hill of the Chor, N. W. from Dehra, at a considerable distance, is more than 13,600 feet.

## CLIMATE.

55. The climate of the valley partakes something of that of Bengal, but modified by being more elevated above the sea, and in a higher latitude; taking the year throughout, it is about seven degrees cooler than Benares. The cold weather commences a little earlier, and lasts a little longer than in the plains; but there are none of those very cold westerly winds in the morning, which are some times experienced there: the atmosphere contains much more damp. The rains commence a few days earlier and end about the same time; they are not much heavier but much more continued: in an ordinary rainy season there are rarely above two or three days together without rain. There are usually two or three days' heavy rain about the end of December or beginning of January, again in February, in March, and in the beginning of April; a shower now and then in May and June, during which months hail often accompanies the rain; the rains have been mentioned. Rain for a day or two usually falls about the end of October or beginning of November. In January and February, almost always, in March often, and some times in November or April, rain falls in the Doon. Snow falls on the second range of hills. It has been known to fall in the Doon: it fell and lay for a short time in the month of February, 1814, but this only occurs perhaps once in the memory of man. There are no "hot winds," but the sun in summer is excessively powerful; as a compensation for which, generally about sunset, a cool breeze sets in from the hills and lasts all night.

56. The following are taken from a journal kept by the civil officer in charge of the Doon. The year commencing from the 1st February, 1823, to 31st January, 1824, was an ordinary one. The second ending 31st January, 1825, and the third ending 31st January, 1826, were both unusually dry and consequently hot years. The fourth ending 31st January, 1827, was rather a wet year; so by taking the first, third and fourth years, a tolerable average may be made, according to which is the following:—

Months	1st February 1820. to 31st Janry. 1824					1st February 1825 to 31st Janry. 1826					1st February 1826 to 31st Janry. 1827					Average of the 3 years.		
	Days on which rain fell:		No rain			Days on which rain fell		No rain			Days on which rain fell		No rain					
	Very Cloudy	Parti- ally	Very Cloudy	Parti- ally	Fine	Very Cloudy	Parti- ally	Very Cloudy	Parti- ally	Fine	Very Cloudy	Parti- ally	Very Cloudy	Parti- ally	Fine			
February..	4	5	3	7	9	7	3	3	12	3	3	0	2	11	12	Rainy days		
March.....	3	3	3	11	11	3	1	3	13	11	5	5	2	14	5			
April.....	1	2	3	7	17	0	4	0	4	22	2	5	3	9	11	Fine		
May.....	3	3	2	4	19	6	1	2	5	17	2	7	1	12	9			
June.....	1	3	7	7	12	3	6	3	5	13	17	5	1	5	2	126½		
July.....	18	12	0	1	0	11	11	1	8	0	16	11	1	2	1			
August....	15	12	0	4	0	8	13	0	10	0	13	11	3	4	0			
September	4	13	1	3	9	3	10	1	13	3	8	4	4	7	7			
October...	1	2	2	6	20	0	1	3	12	15	0	3	1	19	8			
November	3	0	0	7	20	1	0	3	5	21	1	0	3	4	22			
December.	1	2	4	12	12	0	0	4	7	20	4	0	5	15	7			
January..	1	1	4	12	13	0	3	7	7	14	5	2	4	6	14			
	55	58	20	81	142	42	53	30	101	139	76	53	30	108	98			
	113		110			95		131			129		138					

Unfortunately no one in the Doon has a pluviometre, or probably the difference between the quantity of rain fallen in different years, would be rather more than appears by merely comparing the number of days on which it fell; on the whole the climate is much more damp than that of the plains, and to this dampness and continued cloudy atmosphere, in the rainy season, and occasionally so throughout the year, more than to the quantity of rain that falls, it may probably be attributed that the various sorts of rice thrive so well. During the hot weather there are many days in which a fleecy haze, partially or totally covers the atmosphere: this, although sufficient to prevent some fruit from ripening, is not such as to be called clouds.

In consequence of a rainy squall coming on suddenly in the hot weather, the transitions are sometimes very great and sudden: several times has it been seen to fall 7 to 9 degrees in half an hour, and on one occasion of this sort the thermometer fell 23° in one hour.

57. Thunder is much louder than in the plains; lightning often falls. During the last four years not less than five houses have been burnt from that cause, in and about the cantonments at Dehra, where it seems fall more than in any other part of the Doon. Concerning lightning the people in Gurhwall bordering on, and in some parts of the Doon, have an extraordinary idea, that if any person standing close to a spot where lightning falls, should be able to throw water on it, it would then be unable to rise to the heavens (which they believe it to do) and the person would find on the spot a lump of gold, about a cubit long, and as thick as a man's arm. Earthquakes happen occasionally; they are usually very slight, and that in July, 1803, is the only very severe one on record; part of the Sikh temple was thrown down and many of the walls cracked, which remain so to this day. The thunder storms which usher in the rains, are very sublime, and there is perhaps no grander sight than to stand on some part of the Mussooree range on which the sun is shining, and to witness a thunder storm either in the opposite range of Marmor, or in the valley below. At times the clouds cover the whole valley like a sea, while ever and anon the tops of the lower hills appear like so many islands. At the same time the lightning is flashing as bright as the sun for the moment in zig-zag streaks, which seem to reach to the heavens, and the thunder rolling in far louder peals, and of a different description of sound than is heard in England.



What with the reverberation from the hills, and the rapid succession of the claps, it may be heard sometimes in an uninterrupted roll for two or three hours together. At others, it begins at an immense distance in murmurs of a few seconds each, and at a few minutes intervals, as the storm approaches, the peals encrease in frequency and loudness, till when over the spectator's head, the repeated volleys of a hundred cannons would fall short of the roar of the heavens : after which the storm retreats as gradually as it approached. The peculiar sound of the thunder is worth noting. It sometimes has the sharp sound of the word "crack" if one could fancy it pronounced with the loudness above mentioned ; at others, it has a hollow clanking sound, as if an enormous bell was struck at the same time that a round of artillery was fired, and the long rolls have the sound of what one may imagine would be caused by a succession of enormous avalanches.

58. The cleared parts of the Doon are healthy enough, but the jungly parts are very much the contrary. A register of the thermometer has been regularly kept for more than a year. It is taken five times a day, viz., at just after day-break, at 10 A. M., at 12, at 3 P. M., and at 10 P. M. It may be observed that in some months the average of the observations at 12 is higher than of those at 3 P. M. The following general average is deduced from observations at four periods, viz., of the coldest, i. e. just after day-break of the hottest weather at 12 or at 3 P. M. which ever should be so, of 10 A. M. and 10 P. M.

General average.				Table showing of each month.			
				Highest   Lowest   Difference			
1826	August	78½	1826	August	90	72	18
	September	78		September	91	66	25
	October	73		October	86	61	25
	November	64		November	70	44	26
1827	December	56	1827	December	71	42	29
	January	53½		January	63	37½	30½
	February	50½		February	73	45	28
	March	65½		March	86	48	38
	April	73½		April	93	53	40
	May	82		May	98	61	34
	June	84		June	101	71	30
	July	82½		July	94	72	22

Average of the whole year 70½.

Highest 101 on the 7th June at both 12 and 3 P. M.

Lowest 37½ on 4th January at day-break.

Greatest difference 63½.

Average of the year 1827-28

Of the whole year..... 70½

Highest..... 102

Lowest..... 35

Great difference..... 67

N. B. The greatest difference of the average of any one whole month from the corresponding month of the preceding year was 2½ degrees.

## SOIL.

59. The soil is, generally speaking, good, some of it very rich; and even spots which appear so full of stones as to be absolutely useless, produce very fine crops : this is the case near Jakkun. It appears to be a mixture of black earth, clay and sand, but I am not sufficient of an agricultural chemist to describe it scientifically.

## FORESTS.

60. For timber trees are immense tracts of sal or sakoo, some of it very fine ; some toon, fine and large ; sheeson, or sissoo, the grain of which is coarse, nor does the tree ever grow very large. Whether this may be attributed to the soil and climate being unfavourable to the tree, or to its being cut down to burn lime,—for as all the sheeson trees are on the banks of streams abounding in lime-stone, it is nearest at hand for that purpose,—is worth enquiry and experiment ; the khyr, a heavy red-wood, used for the pestles of sugar-mills, and from which the khut or terra japonica is made, is common enough : it is a tree which ordinarily grows to about twenty feet high, with a stem of about a foot diameter ; but they are sometimes found larger ; its branches are well covered with strong crooked thorns. The mode of preparing the khut is by cutting the wood into very small pieces or chips, which is soaked in water and then placed in small earthen pots in circles, one above the other, with a fire in the middle—the water is evaporated by boiling when the residuum forms the khut.

61. The dak, syjna, a large tree, the wood of which smells like horse raddish—when young the roots are used to pickle—sirís, a tree something like the sal, and numerous others are found. The gigantic creepers which are seen all over the forests, should not be omitted : some of these are 40 and 50 feet long, without any intermediate support, and measure nearly 3 feet in circumference. They are perfectly soft and would lie on the ground without support, consequently it is difficult to conceive how they came into such positions,—the name of one of the largest is the maljun ; the cheer, a sort of coarse fir, is found on both ranges of hills, but not in the valley itself ; few are to be found above a foot in diameter, although it grows much larger in some parts of the hills ; its wood answers for rafters, or to make coarse boxes, provided it be kept from the wet, which soon causes it to decay.

## FRUIT TREES.

62. The wild fruit trees are the pear, goolur, fig, blackberry, white raspberry, kurundu, lemon, strawberries, and possibly many others : of these the blackberry and white raspberry only are eatable, and these are inferior to an English blackberry, but the lemon has a most delicious aromatic scent. The planted fruit trees are chiefly those common to the plains. The following are usually finer, viz., pomegranate, lemon, guava and plantain ; the apple, mulberry, orange, lime, loquat, plumb, greengage, jack, are as good as in the plains ; peaches, grapes, strawberries, mangoes do not seem to thrive : the latter probably would were it grafted and care taken of it, but no one seems to do so, and the trees now existing are very old. Cherry, apricot, walnut and some others are brought from the hills, but do not prosper.

## VEGETABLES.

63. The common native vegetables, such as onions, metee, palig, sou, a large raddish, chowlyee, bootá or banjun, rauntooree, urundá tooree, toorur, a sort of yam, seem to thrive well as also the kuddoo, al, and chuchindā, which are of the melon kind, and usually are planted so as to spread over the roofs of the houses. The return from all sorts of English vegetables has hitherto been so poor, both in quality and quantity, as

to render them hardly worth planting. Potatoes are very poor, and, indeed, those grown in the Mussoree range and in Jaunsar are far inferior to the produce of Futtehgurh or Patna; their only advantage is that they ripen two months sooner; and it is considered a treat to get the new potatoes at a time when the old ones are scarce eatable.

64. The soil and climate of the Doon is apparently so favorable, that were any one to make the attempt who understood agriculture and gardening, both practically and theoretically, it is probable that the productions of both cold and hot countries would be found to thrive. The moisture of the climate is very favorable to many plants. The small Bengal plantain, for instance, which requires great care even at Suharunpoor, itself a moist place compared with the centre and lower Doab, flourishes in the Doon without either watering or manuring. From four stems received in December, 1823, in five years more than a hundred had been produced: the fruit was extremely fine, although longer in coming to perfection than in Bengal. One drawback to horticulture is the extreme luxuriance of the vegetation: on a peach tree, pruned in December, many of the new sprouts were by the end of the succeeding rains as thick as a man's wrist. A bamboo in about five months has been known to grow more than six feet; some sissou trees planted in the rains of 1823, then about two feet high, by Mr. Shore, in the Khucheree ground, flourished well, and in five years grew to more than twenty feet in height, the stem being as thick as a man's thigh. From this it may be inferred that the reason why few large sissou trees are found in the forests alluded to a little way back, is that they are cut down to burn lime. During the cold weather English vegetables and some other plants are stunted by the want of sun, occasioned by a constant fleecy haze, and no sooner does the warmth of spring revive them, than they run up to seed. It is probable that art would obviate all these defects and cause the production of both hot and cold climates to thrive in the Doon.

#### SHRUBS AND FLOWERS.

65. There are a great variety of shrubs, among which are numerous thorny ones. The nettle grows into a bush 10 or 12 feet high, and would yield sticks nearly as thick as a man's wrist: the young sprouts are eaten. Of flowers, there are many sorts, among others the violet and primrose are common. The general beauty of the scenery of the Doon strikes every one who enters it, whether he come from the plains, or from a tour of any length in the hills. In the former case, the traveller is struck by the hills being well clothed with trees, which surround him, forming a strong contrast to the monotonous level he has just quitted; by the verdure, the richness of the foliage, and by the beautifully clear streams running over beds of gravel or pebbles. In the latter case, after toiling over the most rugged paths the eye is gratified by the almost level soil of the valley, and by the richness of the cultivation in those parts, which bear the mark of the hand of man. The various color of the foliage of different sorts of trees, adds much to the brilliancy of the scenery, and there is not perhaps a finer forest view to be found any where, than presents itself on looking up the Ganges, from the hill above Hardwar, about the beginning of April. At that season the sissou trees which cover the islands with which the river is studded, are arrayed in their spring dress of the most beautiful light green: the forest of sal, on the other hand, which clothes the range of hills rising on the opposite side of the river, has not yet shed its autumn livery; the leaves display every tint between brown, tawny, yellow and red, and the contrast is one of the most brilliant that can be imagined. Were there but cultivation and the habitations of man on the level between the river and hills, the scenery would be perfect.

66. On ascending the second range, or grand hills, all is changed: there is little deserving the name of beauty; all is grand and sublime, a mass of stupendous ravines on a gigantic scale. No distinct ranges, but an ocean of rugged mountains, some bare and rocky, some clothed with grass, and others covered by the finest trees, above which the white peaks of the Himalayah, wrapped in their eternal snows, shoot up into the very heavens. It requires sometime to accustom the eye to understand the gigantic scale of these mountains: a gun is fired, and the sound scarce reaches a quarter of the distance to a peak from which the sportsman expects the echo: ridges that seem but a mile or two off are two or three day's journey distance, and on asking what are those blueish spots and ants on the opposite ridge, one discovers them to be the slated houses of a village and cattle grazing around. It is in such scenes as these that the nothingness of man is displayed. The very eagles soaring from their airy, and in a few minutes settling on a distant ridge which it would take a man a whole day's toil to attain, seem of a superior nature; and one is no longer surprised that an ignorant and simple race should in imagination have peopled almost every peak with a deity. On ascending one of these ridges from the warm valley below, the pure and bracing nature of the air inspires an elastic buoyancy of spirits that would indulge itself in almost childish glee and gambols; but the sunset presents the most peculiar view. As the day declines, the low vallies are first cast into deep shade, while the ridges are still smiling; these are gradually covered by shade, and the snowy peaks alone retain their tints of delicate rose colour; a few minutes more and these are changed to the most death-like paleness, exhibiting as strong a contrast as may be imagined in a human being in the height of health and beauty suddenly becoming a corpse.

#### AGRICULTURE.

67. The land is ploughed from once to seven or eight times; manure is used for sugar-cane, and sometimes for rice. The chief crop is the khureep or sâounce, of which the grain most sown is rice. The first sort is sown only in beds which can be irrigated, at different times, from the middle of March to the beginning of June. The calculation is three seers \* per bigga of the land into which it is to be transplanted: probably 150 seers per bigga are sown in the beds. It is transplanted from the beginning of June to the middle of August, to compensate for which trouble, that of weeding is saved, so that on the whole this sort is considered the most advantageous; but only choice portions of land are adapted for it. Nine men will transplant a puka bigga in a day. The second sort is sown in the end of March or beginning of April, in fields, like wheat. For this the land is ploughed on an average twice or three times. The third sort is sown in the beginning of July or as soon as the rains have well moistened the ground; large fields are chosen for it, in which embankments are made to retain the water a few inches deep in beds: one ploughing is sufficient. The seed is first soaked in water for three or four days, then rolled up in balls of the sôomaloo bush leaves, the fermentation of which produces considerable heat, (mangoes and plantains are often ripened in this way) for as much longer; when the grains begin to sprout, they are then thrown into the above mentioned beds; after about twenty days, the crop is harrowed, which renders it more abundant and destroys the grass.

68. Mundooa is the next in quantity, and is sown: one sort called doolia, in the end of May, the other called bhatrooa in the end of June; for it the land requires five to eight ploughings.

69. The second sort of rice, and the mundooa, require weeding; the former twice. For this the owners of thirty or forty different fields join together, and making a long line weed each others fields in rotation, with music, composed of drums and a sort of hautboy to cheer them; the owner of each field in his turn pays the musicians. Almost every man is provided with an umbrella made of strips of bamboo and thatched with dry leaves.

70. The rubbee or sarce crop is inferior in quantity to the khureep; but every year more and more land is devoted to it, which is advantageous, as wheat contains much more nourishment than the khureep grains. For wheat and barley the land is ploughed from five to eight times; the other grains are sown in small quantities.

71. The following table shows the average produce of the different grains:—

#### KHUREEP CROP.

Grain.	Seer per bigga required for seed.	Produce per bigga in seers.	How many sold.	Average price per rupee pukka seer.
Rice, 1st sort.....	3	200	77	35
2d sort.....	13	240	18	40
3d sort.....	5	160	32	35
Mundooa.....	2	160	80	50
Ord.....	2	80	40	25
Koolut or Gabat.....	2	40	20	30
Jungoor or Sonk.....	2	80	40	50
Oil Seeds.				
Til.....	$\frac{1}{2}$	40	80	30
Tooreew.....	5	85	17	35
Rubbee.				
Wheat.....	13	120	9 $\frac{1}{2}$	35
Barley.....	10	240	24	40
Gram (Chuna).....	10	160	16	35
Galdá.....	5	80	16	60
Mussooree.....	5	80	16	35
Oil Seeds.				
Ulsee.....	5	40	8	30
Serson.....	2	80	40	35

Where there is convenience for irrigation, it is used for the rubbee occasionally; but in an ordinary season, what rain falls is sufficient. Manure would doubtless improve it greatly, but although in many villages they have abundance from their cattle, their apathy prevents their taking the trouble to make use of it. Oats have been sown by a few English gentlemen and succeed tolerably well. The wheat straw is not so long as that which grows in the plains.

72. In the khureep crop, juwar, bujra, mukkas, (Indian corn) copas (cotton,) and some others are sown in gardens in small quantities. A grain called tor, which in appearance is like the urdur of the plains, is sown in some places in the ground from which mundooa has been cut. One ploughing is sufficient: it is sown in the end of February or beginning of March, and reaped in the February following; a little sugar cane is also planted and sugar is made from it; the process is similar to the plains, but it does not appear to thrive well.

73. The "keel" cultivation should be described. It is made on the steep banks of ravines or hills, which are covered with underwood, and is practicable in the same place once in from six to twelve years. The underwood is cut in January and left to dry: in the end of April it is burnt, and the ashes form the manure. The grain is then thrown on it, as the steepness of the ground would prevent any ploughing or harrowing. Mundooa, moog, marsu, and some others are the grains thus sown; sometimes two or more mixed together.

74. The most ordinary routine of crops, if the land is good, is rice;—the second sort sown in the beginning of April, and cut in the end of August or beginning of September. Then wheat sown in the end of October or beginning of November, cut in April and May. Then til sown in the middle of June, cut in October or November, after which the land lies fallow till April, thus giving three crops in two years. Some rich land will yield two crops annually of rice and wheat. Some land is kept entirely for the rubbee, and others again for the khureep: this is more probably from the, in most villages, large quantity of land in proportion to the people. Usually in breaking up grass jungle land, mundooa is sown for the first crop, sometimes rice; in which case the ploughing is commenced some months before the sowings. If the land be broke up for the rubbee crop, wheat is the first grain sown.

75. The people have an admirable plan of fencing in their fields, which border on the high road, or a jungle inhabited by deer, with a hedge of dry prickly bushes; this prevents much loss, and all complaints and quarrels about trespasses of cattle (of which there is so much in the plains) and by saving them in a great measure the trouble of watching their crops, allows them to work as labourers between the sowing and cutting of the wheat. It is a pity they could not learn to make living hedges, for which the soomaloo bush to be found every where, is admirably suited, as it may be treated like the English quick-set and does not require watering: but although the English gentlemen at Dehra have set them the example, by showing practically how to do it, none have imitated it. It would not take more trouble the first year, about half as much in each of the second and third, and not a fourth as much in every succeeding year, as it requires annually to make the dry thorn hedges; and the trimming the living hedge would at the same time afford fire-wood.

## CATTLE.

76. The cattle are perhaps rather smaller than in the plains, and of all colors,—chiefly white. The average price of those of the poorer cultivators, is 20 Rs a pair; the richer have them worth 40 Rs; these are procured from the hill men, who buy the year old calves from the Doon people for 5 or 6 Rs each, and taking great care of them, re-sell when full grown to those from whom they bought them, often for as much as 40 Rs a pair. This is an excellent mode of turning to use the surplus grain of the hill villages, for which from the want of roads there would otherwise be no market. On a rough estimate the cattle in the Doon may be 30,000; buffaloes 3,000; some of the people keep horses for their own riding. There are now about 100 carts in the Doon. Of goats, there are few, both plain and hill goats seem to thrive well; numbers of the former are brought up weekly to sell for food in the Sirmoor Battalion lines, as the Goorkas and hillmen are as fond of animal food as the English. There are also a few sheep: the plain

sheep thrive well enough, but those from the hills require great care at any time and then rarely outlive a rainy season.<sup>a</sup>

### WATER MILLS.

77. Some portions of grain are ground by hand, but by far the greater part by water mills, called gurât or punchukee. These are composed of two stones, and a wheel on which the water falls, all fixed horizontally. The stones are from 2 to 3 feet diameter; the under one, which is fixed, is a foot or a foot and half thick; the upper, which moves with the water wheel, is not much more than half that thickness. With a fall of water 10 or 12 feet, ten mun pakhee (a mun is 80 pounds avoirdupois) may be ground in a day or night. Some are even on a scale large enough to grind 20 or 25 muns. The price paid for grinding is usually two seers per mun. One boy is sufficient to attend a water mill. The cheapness of grinding by these mills is strongly exemplified at certain seasons when wheat is brought up from Suharunpoor to supply the Dehra market. The distance is forty-four miles, and notwithstanding the expense of carriage and the shop-keeper's profit, the flour at Dehra is sold at nearly the same price as it is at Suharunpoor, where the corn is ground by the hand.

### MINES.

78. There are none; but the remains of some iron mines are extant, near the village of Kutter Putter, near which the Jumna enters the Doon. They never were of sufficient consequence to yield a revenue to Government, but were occasionally worked at leisure hours by the people, who held the village: this has been deserted many years.

### ROCKS.

79. Of the lower range the rocks are chiefly sand-stone; here and there large lumps, and even beds, of conglomerate or pudding stone, excessively hard. The second range is chiefly composed of clay-slate: a chalky sort of lime or whitening and many other descriptions are found there, but this requires a geologist to describe properly. Gypsum is found in large lumps near the dripping rock. There are some particularities in the lower range of hills worth noting. The crest of the ridge is in some places composed of heaps of round smooth stones, from the size of a man's fist to that of his head, imbedded in a substance that appears like a mixture of sand and mortar, so hard as to wear the best steel pick axes to the roots in a week in cutting through it. At the crest of the Kheree pass this composition is found in a large mass: it has been cut through almost perpendicularly, yet remains like a wall without falling for one or two seasons, after which the combined effects of exposure to the atmosphere and rains causes it to begin crumbling away. These rounded stones may be found imbedded sometimes singly, sometimes several together, deeply in the sand-stone rock, the formation of which appears to be continuing. The exterior portion of this sort of rock is generally tolerably hard, while the interior is soft; this, however, gradually hardens on being exposed to the atmosphere; the progress is fairly perceptible from year to year.

80. • The strata, of which the valley is composed, seems to contain a great variety of soils, as may be gathered from the following statement of different kinds met with in digging the well in the Government office ground at Dehra.

Particulars of the strata observed in sinking a well shaft about half a mile south of the town of Dehra.<sup>1</sup>

<i>Feet.</i>	<i>Total</i>	<i>Description.</i>
5	5	Fine black mould with a few stones.
4	9	Reddish earth, mixed with gravel.
9	18	Loose sand and gravel, large stones mixed.
2	20	Loose sand and gravel, mixed with reddish clay.
3	23	Stiff reddish clay.
8	31	Stiff yellow clay.
3½	34½	Sand and gravel, mixed with a little red clay.
1½	36	Stiff reddish clay.
2	38	Sand and gravel.
22	60	Stiff red clay.
2	62	Clay, sand and gravel mixed.
16	73	Sand and gravel.
12	90	Stiff yellow clay, with a little sand.
35	125	Sand and gravel with a few round stones.
3	128	Ditto, blocks of conglomerate on the north and west side.
3	131	Sand and gravel.
13	144	Sand and gravel, with tolerably sized stones.
5	149	Ditto ditto, stones larger.
9	158	Ditto ditto, with pieces of conglomerate.
4	162	Ditto ditto, with enormous stones, some of them more than a yard cube.
6	168	Conglomerate on 3 sides the west, north and east, gravel 4th.
3	171	Sand and gravel, moist occasionally with pieces of conglomerate.
3	174	A bed of conglomerate all over the well.
3½	177½	Layers of sand and gravel, and of conglomerate, alternately, about six inches thick
4½	182	Sand and gravel.
½	182½	A bed of conglomerate, four inches thick, under it water but scanty.
2½	185	Sand and clay.
½	185½	Conglomerate, a bed or layer about four inches thick.
18½	204	Sand and gravel, rather loose occasionally : pieces of conglomerate, occasionally solid blocks 160lbs. in weight.
5	209	Sand and gravel very moist ; small pieces of conglomerate.
	209½	Conglomerate over half the well, under which water was found.
	211	Red clay.
	218	Sand and gravel, very moist, mixed with conglomerate, a considerable spring found.
3½	221½	Blackish clay, with angular fragments of clay slate.
1	222½	A layer of conglomerate.
3½	226	Gravel.

## MANUFACTURES.

81. There are but few manufactures in the Doon, and those very poor. Some blankets, cotton cloth, mats, and baskets and earthen pots comprise perhaps the whole. The potters understand the use of the wheel. Almost the only artificers are carpenters and blacksmiths, who can do little more than make articles of husbandry. In Dehra, of course, are one or two tolerable good workmen. There are few goldsmiths ; only one brazier. The people make a very useful sort of cloak of dried leaves, pinned together with thorns, called a moonkee : those are used chiefly by the peasantry when employed in their agricultural pursuits. Umbrellas made of the same material, supported on a light cane frame, are sold for three pice each : a better sort of umbrella, covered with the birch bark, and ornamented with peafowl feathers, sells for from eight annas to two rupees. There are one or two blacksmiths attached to the bazar of the Sirmoor Battalion, who can make the kookree or crooked Nipal dagger, as well as the boojall, or



khara, a weapon something between a sword and bill hook ; but the workmanship is very inferior to that of Nipal. The scabbards of these weapons are very neatly ornamented by long thin strips of the quill part of the peacock's feather : this is worked into the leather in flowers or other fancy patterns : it is sometimes done so neatly and finely as to appear like thread.

82. A few boats are built on the banks of the Ganges and Jumna, and carried into the plains for sale.

### COMMERCE.

83. The commerce of the country should be divided into two heads, that between the Doon and hills, and between the Doon and plains ; it is, however, difficult to draw the precise line, because much of what is brought from the plains, is both for the Doon and hill consumption ; and part of what comes from the hills is for the plains as well as the Doon.

84. The produce of the Doon carried to the plains, consisted of timbers, bamboos, limes, khut (terra japonica) rice, sometimes other grains.

85. The Doon receives copper, brass and hard-ware, cotton cloth, some blankets, salt, the bodarce sort from Samur, sugar, both kund and goor, tobacco, dried fruits and spice, and usually at one season of the year wheat.

86. To the hills are taken brass, copper, and hard-ware, cotton cloths, sugar (goor only) salt, fine blankets, coarse ornaments and pewter for making them, and spices.

87. From the hills are brought coarse blankets, rice, ginger, turmeric, red pepper, hooka pipes, (made of a reed called rungal) booj (birch bark) honey, wax (these in small quantities) lak, gum, resin and many sorts of roots, mosses or other substances, used either in dyeing or in medicines.

88. The people estimate the trade of the Doon, exports at forty-five or fifty thousand rupees, and imports at about double that ; but it is obvious that such guesses are very little to be depended upon, particularly as the above contains a fallacy either in the amount of goods or in their value, since it is impossible for any country or province for a continuance to import so much more than they export. It is probable that the whole trade of the Doon of every sort does not exceed 200,000 rupees, and that the imports from the plains do somewhat exceed the exports, on account of Dehra being the headquarters of the Sirmoor Battalion, to pay which requires about 50,000 rupees in addition to what is derived from the revenue of the provinces after paying the civil establishment. This is annually brought up in cash from Suharunpoor, and part of it finds its way back in the purchase of sugar, salt and other produce of the plains, required by the men of the corps. The establishment of the convalescent dépôt at Landour, will of course cause a considerable influx of capital, and corresponding benefit to the province.

89. There is no doubt that the exportation of grain from the Doon to the plains might be greatly encreased, and will be, unless the convalescent dépôt be greatly encreased so as to consume the whole, which is much to be desired, as the Doon as yet has only agricultural produce to give in exchange for other commodities ; but as if to check every attempt of the inhabitants to rouse themselves from the apathy into which they

had fallen, until an English functionary resided in the Doon, the native officer in charge of the revenue, prevented grain being exported, for fear it should become scarce in the Doon. However, a parallel instance might be cited of an English civil functionary having the same notions.

90. There is a curious fact worth noting, which without some explanation would seem erroneous, viz., that grain is at one season of the year carried from the Doon to the plains, and at another brought from the plains to the Doon, although the market price in the plains may be, and usually is, higher at the latter time than at the former. The explanation is, first, the want of capitalists in the Doon; second, that the population is almost entirely agricultural; and, thirdly, that the same individuals who sell are not those who rebuy at Saharunpoor. At the harvest the landholders and cultivators reserve grain enough for their own annual consumption, for seed, and usually a little to sell in retail; the rest they are obliged to dispose of at once to enable them to pay their rent, but small as the consumption at Dehra is, the capitalists who deal in grain are unable to store more than enough for a portion of the year's supply, and it is carried to the plains for sale. When the stored grain has been consumed, the shop-keepers, who supply the bazar, are necessitated to procure more from wherever it may be obtainable. The hills supply enough of the autumn grains, rice, mundooa, &c., while those of the spring crop, wheat and barley, are brought from Saharunpoor. None of the agricultural class supply themselves from the bazar, nor do the whole of the sepahces and gentlemen's servants at Dehra, but a portion of these classes; and the explanation of this may be given as a reason why there has always existed some difficulty in keeping up a good bazar for the ordinary food of the people, either in the town of Dehra, or in the lines of the Battalion.

91. The Sirmoor Battalion, although from its origin called a Goorka corps, is now chiefly composed of men from the adjoining hill provinces, many of whose homes are not more than from one to three days' journey distant from Dehra. These are supplied with grain by their relations, to whom in return they give part of their savings; others buy it a mun at a time from the neighbouring landholders at a cheaper rate than they can get it in the bazar, and the only class who deal regularly with the shop-keepers, are the spendthrift sepahces and servants who never possess any cash, but who take their month's supply on credit, and pay their bills on the issue of pay.

92. The mode of conveyance to the plains is chiefly by carriage cattle, bullocks, poneyes, and some few camels. A very small proportion of goods are conveyed by men. Carts are only as yet used for conveyance of the jungle produce to the plains, and almost the whole of them belong to merchants from that part. Hill produce is brought to the Doon entirely by men. The greater part of the timber is floated in rafts down the Ganges and Jumna—Luckee-ghat on the former, and Raj-ghat on the latter, are the chief points of embarkation. The rafts are made very long and narrow for the shooting down the rapids, which extend in each river for some miles after they deboucho on the plains. These rapids are so shallow and stony as not to admit the passage of the smallest laden boat; but flat bottomed boats, which are built within the Doon, can be taken down to the plains with great care and trouble. The size of the boats usually built is probably equal to about ten tons of our measurement; thirty or forty men walk along the bank, restraining the impetus of the boats by means of long ropes, and thus they are allowed to drop slowly down. It would be possible with some fifty or sixty men to drag a boat of the above size up the rapids, but it is rarely done. It is a curious circumstance that the name for a rapid should be quite different on the Ganges and Jumna; by the raft men,

of the former it is called gulla, by those of the latter bhegur; each name is quite unknown to those who use the other. Quere. It is possible that among the migrations that have taken place in India, the ancestors of the raftmen on each river could have come from different parts of the country.<sup>1</sup>

93. Near the jungly villages of the Saharunpoor district, under the lower range of hills, about 1,500 Brinjaries reside, possessing about 15,000 bullocks; they chiefly gain their livelihood by transporting the jungle produce, on their own account, but are ready to hire out their cattle to any body who wants them; some of these, in particular three fine old men, who live near Imlec, were with Lord Lake in his campaign in the Punjab. The usual hire of a poney to Saharunpoor is ~~one~~ rupee for the trip; of a bullock eight annas.

94. The Dehra merchants deal chiefly with those of the town of Saharunpoor: those of Jhano, Bhojpoor and Rekikes, deal with the Kunkul merchants. A hoondie, or native banker's draft, could not be procured in Dehra or any other town but Saharunpoor.

95. The trade from Hindoostan to Kashmeer at one time passed through the Doon. The disorders in the Punjab and Saharunpoor, consequent on the breaking up of the Mogul empire, stopped the usual channel of trade by that route, and obliged the caravans to go by the hills. They started from Nujeebabad, passed through the Chundee Purgunnah, crossing the Ganges at Luckur-ghat and thence to Dehra, and quitted the Doon after crossing the Jumna at Raj-ghat, from whence they proceeded up the Kcarda Doon to Nahun and through the hills. When Forster passed up in 1782, the Chandee province belonged to Sreenugur, and Lal Dhang, at the very foot of the hills, was the residence of an officer, on the part of that Government, stationed to collect the toll; the caravans consequently went from Nujeebabad to Lal Dhang, and thence through the Deleghata, a pass in the Kanecia hills, which divide Chandee. At that time the Sreenugur Government was not strong enough to protect the caravans from the chance of plunder; and black mail, under the name of hiring a guard from them, was paid to the different tribes who inhabited that part of the country. It is curious that between Nujeebabad and Luckur-ghat, a distance of about 50 miles, it was necessary to propitiate no less than four different tribes—the Goojurs, Boksas, Herces, and Mheras. Shortly after this the Chandee Purgunnah was seized by the Nuwab of Lucknow, and then the caravans travelled direct from Nujeebabad via Kanecia to the Deleghata; under this Government the black mail system is said not to have been carried to quite so great an extent. Usually one caravan left and arrived annually. The beginning of February was the time of leaving Nujeebabad: that from Kashmeer usually arrived at Nujeebabad at the beginning of June, sometimes it was delayed on the road, halted at some intermediate place during the rains, and came down in the cold weather. From some reason or other the progress of the kafilas seems to have been exceedingly dilatory, halting for several days after only two or three journies. This was probably partly occasioned by making arrangements with the tribes through whose territory it was to pass, and for the convenience of trading at different places on the road; but at many of these, the delay seems to have been unnecessarily great. The caravan with which Forster travelled left Nujeebabad on the 14th February, and was nearly a month before it quitted Dehra; the distance between the two being only eight moderate days' journey. The kafilas by that route were even then rapidly diminishing, in consequence of the Punjab becoming more settled, and about the year 1793 altogether deserted the road by the hills.<sup>2</sup>

## CURRENCY.

96. The common Furruckabad rupee is the one current; a few of other sorts are occasionally met with, viz., an old Bareilly and old Furruckabad, a Nanik Shahee, Lucknow, Putialce, each of which are valued at half an anna less. The Mahomud Shahee is taken even. A Sunnee rupee, an old Mahratta rupee, coined at Saharunpoor, at 1 anna less, a Jugadree rupee, at 2 annas less, a Juma Shahee rupee, which comes from the westward, at only 11 annas. The Calcutta gold-mohur sells for 18 or 19 rupees; pice at from 50 to 65 per rupee; cowries at 80 a pice; the Timashee, a small silver coin, current in the hills, at the rate of five for a rupee, or rather more than three annas each, but intrinsically scarce worth more than two annas, is seldom seen in the Doon.

## WEIGHTS.

97. The mode of weighing grain or other articles, is similar to the plains by mun and seer; the seer is 84 rupees.

## INHABITANTS.

98. There is such a mixture of different races in the Doon as to render it impossible to give any general description. The Rajpoots, who call themselves Rangurs, apparently are the oldest inhabitants. With Nujeeboudoulic, many Mussulmans settled here, many hill people have at different times taken up their residence. When Rajah Ramdial, of Lundhoura, had great influence in the Saharunpoor district, under the Marhattas, and held a jagheer in the Doon, to bribe him to prevent his people from plundering it, a considerable number of Goojurs found their way up. Here and there a Sikh is met with.

99. Their personal appearance seems more to depend on the part of the valley in which they reside than on their extraction; those in and about Dhera, which is clear from jungle, are rather tall, particularly the Rangurs, stout looking men, but dark. Those in the jungle parts are squalid, thin, sickly-looking, with very often large stomachs.

100. There are, or rather were, two tribes in the province of Chandee, which deserve some notice: the Boksas and the Herees. The former are Hindoos, and claim to be Rajpoots from some part of the Jyepoor territory: they deserted their homes between two and three hundred years ago, and settled in the Terai of Rohilkund, from Chilkeea up to the borders of the Doon. Their constitutions have become acclimated to the jungle, and when encouraged, they become valuable cultivators. Another class of people called Tharoo is also found in the Rohilkund Terai; they are said by some to have originally been the same as the Boksas, but to have separated on some point of food or caste: none of these now reside in Chandee.

101. The other tribe, the Herees, are Mahommedans, and are said to have come originally from near Attock on the Indus: they settled in the Oude and Rohilkund Terai, where they still exist in considerable numbers. Some seventy years ago a colony of them came up to the Kaneea hills, in Chandee, where they took up their residence. They cultivated a little and possessed a good many cattle, but no small portion of their livelihood was obtained by levying black mail on caravans, travellers, and from the surrounding country, for which purpose Kaneea is well situated on a commanding height, overlooking the plain, while at its back is a mass of low hills, in which are abundance

of retreats for the thieves and booty, safe from the pursuit of any thing less than four or five thousand men, supplied with provisions, who should fairly occupy the hills for several days and ransack every defile.

102. The two tribes were occasionally "hounded," one against the other, for the recovery of plunder, and had periodical quarrels and skirmishes together on their own account. The most serious remembered was about a tank, three miles from Kaneea, which was common to both, in which the usual compliments were exchanged, i. e. the throwing in a dead cow by the Herees, while the Boksas tossed in a dead hog. But in truth the quarrels and fighting were much more nominal than real, each party being sensible that any serious dispute must end in the ruin of both. Extraordinary stories are told of Herees swimming across the Ganges on large skin floats, (made of a whole buffalo hide, called *surñāe*) seizing handsome women or those who wore valuable ornaments, who were bathing at the sacred spot, and carrying them off on the floats to the other side of the river. Possibly such an occurrence may have happened once or twice, when those bathing were taken by surprise, but it never could have been a common practice.

103. About the year 1796 A. D., the tribe of Herees amounted to about eight hundred souls. There are now but two individuals, a man and a woman of the tribe, left in the Chandee province, neither of whom are indigenous Herees. The man was originally a Doon from the hills, who voluntarily joined them and turned Moosulman: the woman was of the Kuhar caste of Hindoo, was carried off by them in 1796 when they plundered Chandee. She became the wife of the chief, but now lives in great poverty in a Boksa village in Chandee. She still, however, calls herself a princess, and talks of the hundreds of warriors who were formerly under her command. No emigration *en masse* took place of this tribe, or even of sufficient numbers at any one time, to excite remark. Some individuals have left this province and joined other haunts of the tribe in Rohilkund, but the mass seems to have gradually, to use the native expression, melted away.

104. It is strange that although situated in the same locality, with habits and mode of livelihood the same, the arms and mode of fighting of the two tribes should have been so different. The Herees relied chiefly upon the spear, to which some added a sword, and a very few kept a gun or a bow. The Boksas, on the contrary, adhered to the matchlock, every man being furnished with one of those weapons. They are excellent shots and keen sportsmen; almost every boy of ten years old will hit his mark at a very tolerable distance. Three or four years ago, when gangs of banditti, composed chiefly of Goojurs, infested the northern part of Moradabad and Saharunpoor; they constantly retreated from pursuit into the jungles, where they would plunder any thing they found worth taking; yet when at the strongest, they scarcely dared molest a Boksa. Their own expression was "we should raise a nest of wasps about us, which would effectually close the jungles to us as a place of retreat in future." These Boksas, if encouraged, make good subjects, excellent cultivators, and would prove valuable police men in the jungly parts of the country. They still exist to the number of five hundred souls in the lower half of Chandee.

#### CASTES.

105. Both upper and lower classes seem to be as strict in preserving the rules of caste as they are in the plains, but not more so. From not having seen much of the English, they have no ridiculous affectation that doing such and such things, is against

their caste, but will generally do what they are told, as is usually the case where the English are little known. Of the Bramins, the Gour caste claim to be highest, and will not eat from the hands of any other; but on the other hand, some of the other divisions consider themselves just as good as the Gour, and will not eat food prepared by this tribe. The Surolee Bramin in Gurhwall is, by the general population, considered the highest, and scarcely any would refuse to eat from their hands; but few of these are to be found in the Doon. The particular test as to whether one tribe allows another to be as pure as itself, is whether the members will eat boiled rice prepared by the others; for there is among every tribe a latitude in eating bread and other food prepared by the men, whose touch would be considered to pollute boiled rice. There are peculiarities in some other points; the highest caste man would not object to allow the very lowest to singe the hair off a goat which was to be prepared for his own dinner. It is worth noting that all over the hilly part of Gurhwall, and partially in the Doon, there are two grand divisions of each tribe, high and low (or as the Chinese would say first and second chop): the latter are called Kusseca, as Kussea Bramin, Kusseca Rajpoot, &c. They are the majority; by neglecting regular bathing and other ceremonies which their every day business would hardly give them time to attend to, they are considered to have sunk a step, and those who have maintained these little niceties, would not eat food prepared by the Kusseas of the tribe.

106. With a view to ascertain the variety of castes and proportion of each, the records of the Court at Dehra for four years, viz., 1823 to 1826 were examined, and the following is the result.

Caste.		Caste.	
Rajpoot,.....	381	Nace,.....	15
Nanik Shahee, Fuk eer,.....	51	Bhat,.....	8
Gosyn,.....	71	Bulwar, or Bunjarra,.....	16
Jogee,.....	16	Khuteek,.....	8
Bodce, Carpenters,.....	11	Mollee,.....	78
Lohar, Blacksmiths,.....	22	Goojue,.....	27
Bramin,.....	69	Gualla,.....	4
Durjee, Taylor,.....	48	Mehra,.....	8
Bhungee,.....	34	Jat,.....	10
Dhoomura,.....	14	Chumar,.....	47
Muhajun and Buneas,.....	56	Sonar,.....	24
Kullal,.....	57	Moossulman,.....	157
Koomar,.....	21		
Kuhar,.....	10		
		Total	1,203

These include all whose evidence or depositions were taken at length, in which case the man's caste is always noted, whether he appeared as plaintiff, defendant, or witness. Many of the above have various internal ramifications. A few, but not many, of the above may have been inhabitants of the plains, and a very few of the hills. It is not improbable that there may exist in the Doon some other castes not enumerated in this list, but they would be few in numbers.

## RELIGION.

107. The Hindoo religion is the prevalent; and Sheeva not only has the greatest number of votaries, but they are daily encreasing, to the prejudice of Visnoo; because

the votaries of the latter are not allowed openly at least to eat animal food, or drink liquor.

### RELIGIOUS ESTABLISHMENTS.

108. The temples at Rekikes and Tapoobun are dedicated to Visnoo ; their officiating priests are of the Rāmānoojee Byragee sect ; Visnoo has also three other temples. Sheeva has the following dedicated to him : one at Chundermonee, one at Bahmunwalee, at which a Bramin officiates, but a Gosyn built and owns the temple, one at Beerpoor, whose officiating priest is a Gosyn. The above temples, both to Visnoo and Sheeva, have each some small endowment of land ; but Sheeva has numerous other temples without any endowments, at which worship is performed occasionally. There are numerous other little petty temples to different deities, which are not worth particularizing.

109. The Sikh temple should be described, as being the only rich religious establishment in the Doon ; the appearance of the building has above been mentioned, to which is added the following information. It has two tanks, both of masonry throughout, supplied by a small canal, from under the hills ; one is small, but the other is very fine ; one being 230 feet long and 184 feet broad ; it has also a small reservoir, which is filled by the rain water, and is used for boiling the different pulses under the name of *dal*, which cannot be softened by boiling even for hours in the canal water.

110. Its revenue consists in an endowment of seven villages, which give about 1,600 rupees a year, from the British Government ; one of six villages, yielding about 35 rupees a year from the Terie Rajah, and the presents and offerings may average about three or four thousand rupees a year.

111. The head of the establishment is called muhunt ; on his death his successor is elected by a punchayet or assembly of the Sikh chiefs, from among his chelas, (disciples) who are taken from various castes. The late muhunt is said to have been an intelligent man, and to have kept very strict discipline in preventing luxuries among his chelas ; but the present one is a very inferior simple sort of person, and till the other day could not read. There is no objection to a woman's managing the concerns of the temple. Punjab Kooar, the wife of Gooro Ram Roy, himself dying a few months after he settled here, superintended the establishment for about 25 years ; and there has been a second instance. The present muhunt, however, affects celibacy. At the installation of a new muhunt, a large collection of people are fed : a nuzzur of 500 rupees is presented to the Government, who in return bestow a pair of shawls of about half of that value. The muhunt and his chelas wear a distinguishing cap : it is of red broad cloth, sugar-loaf shaped, black silk fringe round the bottom, and worked all over with different colored thread ; it is not handsome. Any pilgrim will be supplied with a day's food at the temple.

112. The offerings come chiefly from those Sikh sardars, who reside on this side of the Sutlej ; but occasionally from those on the other side. In the Hooly of 1827, Runjeet Sing sent an offering of 500 rupees. The Akalees and some other sects of Sikh do not respect this temple at all : most classes of Hindoos pay as much respect to it as if it were a Hindoo temple. There is a curious cave in the dace or division of Oodewāla, about three miles from Dehra to the west of Bijipoor, called Toopkesur. It has some stalagmite on the floor, and a few stalactiles hanging from the roof ; but on

inspecting the locality of the cave and of the superincumbent soil, it is difficult to conceive whence sufficient water could have come to have formed these stalactites. There is still one spot where water is said occasionally to drop; probably in rainy weather, for it certainly does not in dry. The cave is inhabited by a Suniassee, who occasionally visits other places. He is extremely venerated by the people, and is a fanatic rather than an imposter; he will not accept money but merely food, and occasionally clothes: and should more food be brought to him than he requires for that day's consumption, he gives the surplus to the first passer by who will accept of it, trusting to providence for the next day's supply. He spends most of his time in a dreamy sort of existence, which he considers a contemplation of the excellencies of the deity. There are also on the Doon side of Hurdwar two small caves, inhabited during the fair by Gossains, who receive a few offerings from the people who come to bathe in the tank called Beemgora, immediately below the caves.

113. The Moossulmans do not seem to be disliked by the Hindoos; indeed, it would be great presumption in them to show any such spirit, considering that the best Government they ever had was a Moossulman, which lasted 17 or 18 years, during which time colonies of Moossulmen settled here: nor, indeed, would it be tolerated were they inclined to do so. There is, however, no public worship,—there being no mosque or even the remains of one, which is certainly an extraordinary circumstance. It could not have been from respect to the Hindoos that the Moossulmans refrained from building one; for they have a burial ground in the town of Dehra close to the temple, which does not appear to give any offence. The procession in the Mohurram has for the last year or two been carried about, being set on foot by a Moonshee from the plains, but so far from giving any offence, the Hindoos all take a holiday to see the show, particularly the men of the Sirmoor Battalion, who form part of the procession, firing their matchlocks, &c. Certainly nothing can tend to prevent quarrels at these seasons so well as the circumstance of the different sects joining in each others religious processions; it would be beneficial could the custom be introduced all over the country; but in these matters the people must be led not driven. The few Moossulmans who still remain in the Doon are, with scarce an exception, of the poorest class, and so illiterate and ignorant as hardly to know whether they were Soonnees or Sheeahs, consequently they readily attended the taziea when established by the Moonshee, for the double pleasure of seeing the show and partaking of the shurbut, which was liberally distributed.

#### MARRIAGES.

114. The mode in which marriages are conducted is the common Hindoo mode. The girl's father gives her a dower, if he can afford it, of 500 Re., of which perhaps 100 Re. would be given in cash, the rest in clothes, furniture, ornaments, &c. The poor, of course, give less, but no marriage takes place where the girl's dower is less than 10 Re. The hill custom of paying the girl's father so much for her, in fact buying her, is totally unknown here. Any Hindoo receiving a sum for his daughter would be considered as greatly degraded. The custom of one wife having several husbands, who are brothers, is utterly unknown, and only spoken of with disgust among the people of the valley, although it is common enough in the hills immediately above it.

#### FUNERALS.

115. The funerals are also like those in the plains. Those who can afford it carry



the body of their relation to the Ganges at Hurdwar, or Rekikes. Others who are poorer, to Chundermunnee, and the poor burn them on the spot. The residents near the Jumna consider that as of equal sanctity with the Gunga. The bodies of those who die of the small pox are buried; the idea is that if burnt, the smoke would cause dreadful diseases as far as it spread. The Gosyns and Bhungees always bury their dead; but the Bhungees are obliged by the other inhabitants to bury their dead in a perpendicular position, with the feet upwards, for fear the ghost should walk.

### SUTTEES.

116. Suttees must from the number of monuments have formerly been very frequent. It is hardly possible to take a ride in any direction without seeing one or more of them: in some places, near Rajpooor for instance, more than fifty together. A circle described round the Government office as its centre, with a radius of a mile, would probably enclose a hundred. For many years they have declined. There have not been above five since the British Government was established, the last of which was seven years ago.

### CHILD MURDER.

117. The murder of new born female infants was also formerly frequent, but it has declined, and the people now deny that it exists, which at least shows an advance in the scale of morality and civilization. It was chiefly confined to the Rajpoots, and notwithstanding the denial, there is reason to believe that it is still practised.

### SLAVERY.

118. Slavery exists but in a small extent at present. Under the native Governments little attention seems to have been paid to either Mahomedan or Hindoo law regarding slaves: the master's power was virtually almost despotic over the slave: their employment was very similar to that of domestic servants. A man and his whole family could be sold for debt, or for arrears of revenue, a practise which was carried to an intolerable pitch by the Goorkas. Since the establishment of the British Government, slavery here as elsewhere, is dying a natural death.

### EDUCATION.

119. There are two schools in the town of Dehra: one kept by a Moossulman who teaches Persian—he has eight or ten scholars; the other by a Bramin, who is called Pada—his scholars are more numerous; he teaches Hindee. The pay is from two to eight annas monthly, according to the ability of the parents, who also make small presents to the school-master at festivals. The better sort of people educate their children at home; a little reading, writing, and arithmetic only is taught. Major Young has, at his own expense, for some years established a school in his lines, at which both Hindooee and Persian is taught. Although it is open to all children, yet hitherto none but those of the sepahees have attended it. After learning to read Hindooee, a few have studied Persian. The prejudices and ideas of some of the natives are amusing. Major Young one day asked one of the cleverest of the boys who had learned Hindooee very quickly whether he would not begin Persian, “Do you think I would learn a Moossulman's language,” answered the boy.

## LANGUAGE.

120. The language of the Doon is Hindoostanee, with a few hill words and terminations mixed, and a few peculiar to itself. The character is the Dewa Nagree, the same that is used in Gurhwall, different from that known in Sirmoor, although the two provinces adjoin. The merchants and some of the shop-keepers, as in the plains, have their own peculiar character.

## TIME.

121. The divisions of time are the Hindoo. The era is the Sumbat, and sometimes, in writing, the Sake.

## DRESS.

122. The costume is much the same as in the plains, consisting of the *pugree*, *ungerka*, and *dhotee*, or sometimes trousers of cotton cloth. In the winter those who can afford it wear chintz dresses, quilted with cotton, which are imported ready made from the plains. The poor merely throw their tattered blankets over their heads and shoulders. That of the women is an *ungeed*, a tight covering for the breasts; *lenga*, a large, full petticoat tied over the hips; and *doputta*, or sheet thrown over the head. Some add the *koortee*, a jacket, which joining the petticoat, completes a decent covering to the body. A few of them, when they work in the fields, twist their *doputta* on their heads in the form of a turban like the Gurhwall women. Those who are better off in the world, wear the *peswaj*, a sort of jacket made to fit tight to the body, to which is attached a very full petticoat: the latter will sometimes measure twenty yards round the skirt, and is generally made of some pretty strong material, while the upper part is so flimsy, as to be renewed two or three times before the petticoat is worn out.

## FOOD.

123. The inhabitants, generally speaking, who can afford it, eat meat and drink liquor; even many of the Bramins do openly, and many more secretly. They give themselves a much greater latitude in the different birds and animals which they eat than the people of the plains, but do not carry it so far as those of the hills. A few do not object to animals that have died naturally. The food most commonly eaten is rice with a vegetable curry; and bread made partially of wheat flour, but chiefly of *mundoo* and other grains.

## LIQUOR AND DRUGS.

124. The liquor made in the Doon is almost entirely distilled from sugar, and is very inferior: no scruple is entertained against buying it from the shop, even by those who drink secretly; they only take the precaution of procuring it in the same way. There is, however, the same sort of prejudice against what is sold at the licensed shop, that exists in Ireland against Parliament whiskey, it being accounted inferior; accordingly, a little is smuggled occasionally from Kalsee in Jounsar. Much *bhang* and *churus* is taken, chiefly in smoking, and some opium; but scarcely any one will allow that he is addicted to it.

## DISEASES.

125. The chief diseases are fevers, dysenteries, rheumatism, and the guinea worm. The two former are chiefly at the end of May and beginning of June. Fevers again appear about the end of the rains. The most annoying sort is a quartan fever, which even the English surgeons find very difficult to cure. The rheumatism shows itself during the rains, and in the raw wet weather of the cold months. The goitre is scarcely seen among the inhabitants of the valley, although not uncommon in some parts of the hills above. The common notion of its being caused by drinking snow water seems to have little foundation, for it is very general in some parts of the world where snow was never known; the Boglipoor hills for instance. There is a disease of the eyes common in Gurhwall, and partially known in the Doon, called bugulgund. The eye-lids grow red and slightly swell; sometimes the eye-lashes fall out, the eyes grow dim and sight becomes much impaired, sometimes altogether lost. This continues from one to six or seven years, when not unfrequently the eyes begin to amend, the disease goes off, and sight returns, but never so strong as it was previous to the attack.

126. The guinea worm, *naroon*, is very common: sometimes a man has two or three come out at once in different parts of the body; should they be drawn out carefully by degrees, so as not to break them, they give very little annoyance. Instances are known of children having them, and yet running and playing about during the days in which the worm was gradually extracted, as if nothing were the matter. Should they be broken the place swells, suppurates, and requires a long time to get well, but the disease is not a tenth part as bad as is described in medical books as happening to Europeans. They chiefly attack the poor in the extremities, but contrary instances are known. The late muhunt of the Sikh temple had one come out near his eye. The present muhunt has had it more than once, and some other instances have happened occasionally of people above the poorer sort being afflicted with it. The worm is usually not more than from two to six feet long. Many very small worms, which appear like young ones of this species, may be found in mud composed of putrid vegetation at the bottom of streams.

127. The natives of the plains, unless they go into the jungly parts in the unhealthy season, *i. e.* from beginning of June to middle of November, do not seem more liable to disease than the inhabitants of the Doon, with the exception of a slight disorder in the bowels, shortly after their arrival. The men of the Sirmoor Battalion seem to be more disposed to disease than any other race. This probably arises from their being enabled to live in a grosser way than the common inhabitants; at least, no other cause is very evident. It cannot be entirely, because being hill men, the Doon climate does not agree with them; for in that case the police, who are composed of the same race of men, indeed, almost every police burkundaz and chaprassee is a relation to some man in the corps, would suffer equally; but this is not the case, for in the years 1823, 24, and 25, numerous parties of both were out together during the unhealthy season, in consequence of the highway robberies then going on, and invariably the men of the corps were taken ill in a much greater proportion than the police people. A very strong instance lately occurred. On the 11th November, 1827, nearly a hundred men of the Kumaon provincial battalion, of which the head quarters is at Almorah, were sent to the Doon, and stationed in small parties in various parts of the jungles of the valley and of the province of Chandee, in order to check the gangs of banditti who occasionally come up from the plains. All remained till May, and some till June 1828, and in all that time only three men were ill enough to go to hospital. There is no doubt that had an equal number of the men of the

Sirmoor Battalion been similarly detached for as long a time, at least one-fourth would first and last have been sent to hospital, and that several would have died.

128. Many instances are known of men (chiefly of the corps) in the month of June, being seized with a fever one day and dying the next. Doctor Leslie found many of the men of the Battalion afflicted with as bad liver complaints as any he had ever observed among Europeans. One peculiarity of the Doon climate is worthy of note, viz., that if a man of the plains ever had, even twenty years before, a venereal disease which was cured in their way by a native Hakcem by means of corrosive sublimate instead of being properly treated by an English Surgeon,—residence of a year or two in Doon will almost infallibly bring on the disease again, although in a different shape, generally in affections of the bones, accompanied by inveterate rheumatism.

129. The villages of the Doon are generally choked with dry hedges covered with nettles, and other bushes and creepers, forming little enclosures full of vegetables; the houses, too, are very often covered with plants of the pumpkin kind. The only paths through them are narrow lanes, a foot deep in mud after rain, all which doubtless contribute to disease.

130. Generally speaking, the inhabitants are certainly not so healthy as they are in the plains, but in this respect they have lately improved, and will continue annually to do so as the district becomes more cleared and cultivated. In Dehra, and the villages in the neighbourhood and along the borders of the pool or artificial canal, the health of the people has decidedly improved within the last two years, in consequence of the bed of the canal being properly cleaned out. The health of the police at the out-posts has also been promoted by making wells to supply them with drinking water; and many a traveller has, instead of taking the trouble to ask the reason, laughed at what he deemed the absurdity of sinking a well within a few feet of the edge of a beautifully clear stream running over a bed of gravel. But this bed of gravel is only found in certain spots; much of the bed of the stream is a mass of rotten mud, composed of putrid vegetation; and although the water looks clear and has nothing disagreeable to the taste, it is impregnated with the effluvia of putrid vegetation and contains the seeds of disease. The natives always assert that the water is as much the cause of illness as the air; and although the English usually ridicule the notion, experience tends to prove that the native idea is correct. Wells of a few feet deep have been dug at two or three police stations within a yard or two of a clear stream, and the health of the men stationed at these posts has decidedly improved; which can only be attributed to the water being in a great measure freed from its impurities by percolating through the gravel and sand. A strong instance occurred of what may be done in this way at the village of Dhumpoo. There was a tank of dirty greenish water, which was the sole supply of the majority of the inhabitants. The officer in charge of the district, Mr. Shore, induced the people to try the experiment he recommended. A well of about ten feet diameter was sunk near the edge of the tank; a circular wooden frame of about four feet diameter, was erected in the centre, and the surrounding space filled with sand and gravel from the bed of a neighbouring stream. The water from the tank, by filtering through this was drawn out perfectly pure.

131. The season for residing in the jungle is worth noting. Those who are accustomed to the sort of climate, first go there about the 15th of November, but by the first of December all danger is over: any one from any part of India might with perfect impunity encamp in the worst part of the forest from that time till the beginning or middle of May. At this season, a few days rain, called the *chota bursat* (or small rains) sometimes

occurs, after which the jungle effluvia is peculiarly unhealthy, even deadly almost like the blast of the Simoom : men sometimes die in a few hours after being seized with fever. This is attributed to the rapid rotting of the dead leaves caused by the heat after they have been well wetted. Should the *chota burnat* not occur, there would, generally speaking, be little danger in remaining in the forest until the middle of June; provided the only water used for drinking be that from wells or from a considerable sized stream, too rapid to allow the leaves to lodge in its bed, and not from the small rivulets, the beds of which are in many places one mass of rotten mud. When the rains have fairly set in, the danger is not so great, although severe fever would generally be the consequence of a night or two passed within the unhealthy limits, which in some would cause death. About August the unhealthiness encreases, and about the end of September is the most deadly season; in October it gradually diminishes, and by the middle of November, those most accustomed to the climate, make their appearance to procure timber and other jungle produce. The disease is what is denominated the jungle or marsh maisma fever; the natives call it *ol* or *oul*; it is probably caused by the putrid vegetation, but does not at all depend on marshy ground: in some of the most deadly places the ground is either rugged and broken, or in a slight declivity which prevents the lodging of water, and it is consequently quite dry and firm at any season of the year. The localities of the fever are very inexplicable; some places, which from their appearance one would suppose most deadly, are almost innoxious: any person might pass a few nights there at any season without danger; and the police who reside the whole of the unhealthy season, only suffer slight attacks of fever towards the end of the rains. The jungle on the direct road between Dehra and Suharunpoor is of this nature. Hurdwar itself is not unhealthy, probably from the strong current of air which sweeps through the break on the hills over the bed of the Ganges, on the banks of which the town is situated; for only a few miles from Hurdwar are some of the most deadly spots.

#### MEDICINES.

132. The medicines are simple. In fevers, the prescription is to starve for three or four days; then take a mixture of spices and purging medicines. In dysenteries much the same. For rheumatism chiefly external applications; when very inveterate, firing with a hot iron is resorted to, and for the guinea worm, not any thing is applied. Charms are not much used, except in diseases which are believed to have been produced by witchcraft. When very ill, a kill or cure remedy, of a dose of orpiment or yellow arsenic is given. <sup>m</sup>

#### SUPERSTITION.

133. There are many sorts of ghosts, fairies, &c. The chief are as follows: Peechasun, or Choorel, according as it is male or female; it is like a human being, but with its feet turned backwards. Those who see it die shortly after. The Diag, is the name given to an old woman, who by study and incantations has acquired the power of killing people by causing their livers to decay. In the former Government many poor old women were put to death under this accusation. One or two complaints have been made to the civil officer now in charge, but he found an electrifying machine a grand specific. A rupee being placed on the leyden jar, the suspected witch was desirous to take it off with one hand, holding the chain in the other; her failure proved her to have no power, and a few shocks were given to the complainants as a specific against it; at least until the witch should be powerful enough to take off the rupee. Sore eyes are attributed to an evil eye called Chobuttea. Fairies sometimes cause the sickness, or even death of women, and

sometimes men, without cause : occasionally because they have built houses on the spot on which the fairies formerly danced.

134. A few other notions may be mentioned. After suttee has taken place, it is necessary to watch the place for eight or nine nights subsequent ; otherwise a spirit called Jin, will come and resuscitate the ashes, and enjoy the woman : at day break she again becomes ashes. Many of the women have a notion that a piece of paper covered with Persian writing of any sort, is good for the headache. Even the most enlightened of the people will not believe that silver mines exist ; all silver they maintain to be made by alchemy. Others have been introduced under various heads of the reports ; and there are many which are not worth noting, being common to many other parts of India.

### PARTICULAR FESTIVALS.

135. The fairies last mentioned are the only sort of ghost, to appease whom any ceremonies are undertaken. A number of women collect together, every now and then, prepare a mixture of all sorts of food, and then eat them with some ceremonies. No man is allowed to be present. This is chiefly in those families in which any member has ever suffered from these fairies.

### HISTORICAL NOTICES.

136. The following is a short account of the Doon for some years previous to the establishment of the British authority. It will be going enough back to commence the invasion of Najeeloodoulee. This prince conquered the Doon about 1757 A. D., and retained his authority for about 17 or 18 years : the people speak with admiration of his Government ; he is said to have protected the residents of the district, to have given encouragement to all sorts of people from the plains ; to have dug several canals and two or three wells, and altogether encreased the revenue, at the same time that the inhabitants were lightly assessed, to nearly a lac of rupees. With the abolition of his authority the prosperity of the Doon seems to have vanished ; the Sreenugur Rajah, who regained possession after him, from inattention, or as some say from oppressing the Moosulmans, caused the province to be greatly deserted. His authority existed about ten or twelve years, till it was conquered by Golam Kudur. It should be mentioned that about the year 1783, a large party of Sikhs came into the Doon ; they did not attempt to settle but confined themselves to plunder, and this they pursued most strenuously, not even sparing the houses round the temple of Gooroo Ram Roy ; although they did not go so far as to rob the Temple itself, in which, according to custom, the valuables of the country were placed for security. They burnt many villages, and killed numbers of the inhabitants in skirmishes, as the existing Government was not strong enough to make any regular opposition.

137. Two or three years after this, about 1786, Golam Kadur invaded the Doon, burnt and plundered many villages, and did not even spare the temple, both to obtain the wealth that was there deposited, and to show his contempt of the Hindoos. He left as his deputy a person by name Omed Sing, a native of the hills, who remained faithful to him, for two or three years, and then, deserting his allegiance, again transferred the Doon to the Sreenugur Rajah, whom he also deserted about three years after, and entered the service of the Sirmoor Rajah. At this time the Rajah of Sreenugur invited the

Mahrattas to assist him in recovering the province from the Sirmoor Rajah, and during their stay here, the former of course was acknowledged: there was therefore no fighting, but after a few desultory skirmishes and plunder, the Mahrattas retired and Omed Sing found means to preserve the Doon under the authority of the Sirmoor Rajah for about 8 or 9 years. He then received an offer to marry his daughter, from the Rajah of Sreenugur, with which he complied, and again transferred his service and the Doon to the authority of the latter. About the year 1800 or 1801, an officer of Baboo Scindea's, with a party of Mahrattas, invaded the district, took the rents and what other plunder came to hand, and retired: some people were killed by skirmishes; but from the weakness of the government no regular opposition was offered them.

138. Just after this, Omed Sing was taking steps to throw off the authority of the Rajah of Sreenugur, and to make himself independent, when the Goorkas saved him the trouble by conquering the country for themselves. The above account is from the traditions of the inhabitants, and contains only the regular invasion to which the Doon was subject: petty incursions without number occurred at different periods: sometimes by the Sikhs and sometimes by the people of the plains: the former generally came with from fifty to two hundred horse, the latter with horse or foot as occasion offered. Cattle, which from the quantity of pasture, thrive well in the Doon, and of which there used to be great numbers in proportion to the population, compared with other parts of India, seem to have been their chief object; though they of course had no objection to any other plunder that fell in their way; and although they did not kill people unless they were resisted, yet it necessarily happened from such a state of things, that many lost their lives, and villages were occasionally burnt. The Doon, indeed, seems to have been subject to these petty incursions for a very long period, so much so that the existing Government not being able to put a stop to them, the zemindars of the Rarpoor, Reree, and Juberera (towns in the plains) received each a small jagheer as a bribe to prevent those, subject to their authority in the plains, from plundering the Doon.

139. As scarcely a single person could be discovered, who had any written notices on the subject, there may perhaps be mistakes in dates, but in the main points the account will probably be found correct, which is sufficient to give an idea of the anarchy and confusion existing in the Doon for many years previous to the establishment of the British authority. In fact the province, although nominally forming a part of the Sreenugur Rajah's territories, belonged to any power who chose to send a force to conquer; and although the existing Government was rarely strong enough to make any regular opposition, yet numerous skirmishes took place, in which many of the zemindars were killed; many others emigrated to avoid the plunder and oppression to which they were subject; the lands of others were confiscated at the will of the local Governor to bestow on his favorites and dependants, who in their turn were forced to make way for the friends of the new Aumil; so that on the whole very few villages indeed are in the hands of the original occupants or their descendants. Records are almost unknown here, the few that ever existed having been destroyed or lost during the period of the confusion above described.

140. It seemed to be thought by some that the acquisition of the Doon on the part of the Rajah of Sreenugur, is to be dated from the time of Aurungzebe, but there can be no doubt that the province has in reality always formed part of the hill principality of Sreenugur or Gurhwall, as far as the remotest tradition can be traced. The comparatively easy access from the plains, compared with attempt to penetrate into any

other part of the hills, and the richness of the valley in those days, always seemed to tempt any local Governor of the adjoining plains, to attempt its conquest, or at least plunder; and to prevent this it was an object with the Rajah to procure a sunnud from Delhi. He gained his wish about the year 1658, A. D., and received a sunnud from Aurungzebe for the Doon and Chandec, in return for his delivering up Suliman, the son of Dara Shoko, who had taken refuge in his territory. There is at this day a fine grove of splendid *jamini* trees in the upper part of Chandec, near the foot of the hills on the left bank of the Ganges, which tradition asserts to have been planted by Suliman when residing in that part of the country.

### FORMER GOVERNMENT.

141. The confusion above described renders it difficult to say any thing about the former government. Plunder and oppression, both regular and irregular, seem to have been the order of the day, or rather of the country. As to the land, the Government claimed to be the proprietor. The revenue consisted of that on land; duties on the transit of merchandize; a tax called *mulha* levied on small gardens, and on artisans, on water mills and some other articles; and one called *punch khut*, consisting of five divisions, viz. *muro*, taking the property of people dying without heirs; *ruhta*, the property of those (provided any could be found) who deserted the province; *bukta*, unclaimed property not included in any other head; *punch khut*, fines for crimes against caste; and *rullian dhun*, treasure which might be discovered. But excepting the two first the produce of all the others must have been precarious and trifling in amount.

142. No very regular system in assessing the revenue seems to have ever been in force, since the time of Nujeeboodoulee till the establishment of the British authority; every local governor seeming to do as he pleased, and to study how much he could get for himself, without caring how the people or the district suffered. In the time of Nujeeboodoulee, only the land revenue is said to have reached to a lak per annum, since which it gradually declined; and the Goorkas in the latter years of their stay, did not realize above 16,000 or 18,000 rupees a year in every way. The system of oppression they pursued was much the same as that described by Mr. Traill in his report on Kumaon.

143. The Goorka Government had, notwithstanding, what has been the oppressions which the people suffered, made some advances in civilization which have not been found in any other native government with which the English have come into contact since our nation first rose into power in India. Their administration is strict and even severe regarding the officers of government, on whom the most barbarous and cruel punishments are sometimes inflicted, extending not merely to the individual but to his family: but it is a vigorous government, and not an oppressive one to the people. The provinces about the capital, and indeed for a considerable distance from it, are generally said to be in a flourishing condition, and the people well off. The distant and conquered districts suffered from the system which was perhaps necessarily pursued. They were parcelled out among the military chiefs who were entrusted with the administration of justice and collection of the revenue, out of which they were to pay the troops and establishments, and remit the surplus to the government treasury. The kingdom of Gurhwall, of which the Doon forms a part, suffered more than Kumaon on the south-west; or the provinces of Jounsar and Bawur on the north-west: these submitted to the Goorkas with little or no resistance, and were treated with comparative leniency; but the inhabitants of Gurhwall were a much more spirited race and opposed the Goorkas with success for several years. Ultimately they suffered, accordingly,



being treated with great severity in order to crush their spirit; they were also disarmed, with the view of preventing the possibility of their rising again. The last action which completed the conquest of Gurhwall, was fought in the Hindoo year 1860 (A. D. 1803-4) close to Dohra, in which Purdoomun Sah, the Raja, was killed, one of his brothers, Petum Sah, was taken prisoner, carried to Katmandoo and kept their eleven years; he was released after the Goorka war at the intercession of the British Government. The third brother escaped but died not long after. The son Soodursun Sah escaped and took refuge in the British provinces. He resided at Juwalapoor near Hurdwar in very poor circumstances, until he was restored to a portion of his dominions by the British Government, after the conquest of the north-western hills in 1814, A. D.

144. The oppressions and exactions of the military chiefs in the distant provinces were so great, that the revenue was falling off and the country becoming depopulated: hundreds of children had been carried away by the soldiery to Nipal. This produced a vigorous measure on the part of the Nipal Government, and one, it may be observed, worthy of an enlightened nation. Several hundreds of these children, as many indeed as could be discovered, were collected, sent back at the Government expense, and restored to their parents; although many of them had been fairly sold by the parents; the Government alleging, that they were well aware that these sales had been forced by the distress caused by the oppressions and exactions of their own officers and soldiers. A commission was also appointed to make a tour of the provinces, examine the state of affairs, and reduce the assessment to a fair demand; this was so admirably carried into effect, that the British civil officers have not to this day been able to discover errors in the estimate of the Goorka commissioners. Some arrangements also were in progress to establish a proper administration of affairs and prevent a recurrence of the abuses described. A road was in progress from Katmandoo to the Sutledge and a regular post of runners at the regular stages was established along the whole distance. But there had not been sufficient time for these beneficial arrangements to produce much effect before the war broke out with the British Government; and from the sense of the injuries which they had suffered, the people of the country were so exasperated against their Goorka masters, that they almost *en masse* gave every assistance to the British troops. Had the population been what it was at the time of the Goorka invasion, and had they been in favor of their own Government, we should have found it a much more difficult matter to penetrate into the mountains.

#### PRESENT GOVERNMENT.

145. On the accession of the British Government, the Doon was annexed to Suharunpoor, and declared subject to the general regulations. This step is much to be lamented, and the consequence of it will yet be felt for some years. It appears, however, to have been unavoidable, for Government not having an officer to spare for the concerns of the valley, it became necessary to annex it to some other district, for which purpose Suharunpoor was the only one to which it could have been joined. As the civil officers in charge of Suharunpoor had more than they could attend to properly already, the Doon was pretty nearly left to shift for itself; and the people were plundered by the native officers in every possible way, and by the servants of the English gentlemen who came up on shooting parties: it will hardly be credited that several villages were deserted from the latter cause alone. It was useless saying to them, if you are oppressed the Court at Suharunpoor is open to you; the majority would as soon have thought of going to Calcutta; for to this day they look on a journey to Suharunpoor, in much the same light that a Scotch or North of Englandman looked on a journey to London a century and half ago.

146. Government being, however, aware of this, appointed, as soon as they could, an officer, Mr. Shore, to the charge of the Doon. He arrived in the commencement of 1823, and seeing that the regularity and formality of the existing system was by no means calculated for the state of society then existing in the Doon, he in a great measure departed from it, administering affairs in a more simple manner. This was duly reported to Government, together with a short account of the Doon, and a suggestion of the propriety of a different mode of administration to that which had been ordered. With this Government were after further enquiries and references to Mr. Traill, the commissioner in Kemaon, pleased to comply; and in the beginning of 1826, the Dehra Doon was declared to form part of Kemaon, that and the Sreenuggur tehseldarce being under the separate management of an assistant to the Commissioner. Of course the system in force in Kemaon was made current in the Doon; which it is needless to describe here, it having been done so fully by Mr. Traill in his reports to Government.

#### REVENUE.

147. On the first acquisition of the Doon by the British Government, for two years the revenue was held *kucha*, and the officer who had charge fixed as the demand one-third of the produce and two per cent. on the whole, which produced 12,987 rupees in 1222, (1814-15). This appeared to one accustomed to settlements in the plains, to be very light, but it was unfortunately fixed without reference to new or old villages. The same amount might have been easily realized, had it been more equally divided; for there can be little doubt that the above sum on the whole must have been less than one-third of the produce.

148. The reason is this, that two years before the Doon was conquered by the English, Hustidul Choutra, a Goorkha officer, finding that a country without inhabitants would be of little use, exerted himself to stop the oppressions of the Goorkha soldiery, and to repopulate the province; to do which he had leased many villages at a nominal rent of 5 rupees per annum. The engagers had, by fixing their share from the cultivators at a sixteenth and eighteenth of the produce, induced many to settle; some of these were old Doon people who had emigrated on the Goorkha conquest; some were new people from both sides the Jumna, in the plains, who were tempted by the almost rent free terms to come into the Doon. When, however, one-third was demanded from the holders of these villages, although by a little arrangement with the subordinate revenue officers, it is probable that less than that was actually paid, still they were obliged to raise the rent on the cultivators. The consequence was, that about twenty villages were completely deserted, whose revenue would, had they been properly taken care of, by the present time have amounted to at least 1,000 or 1,200 rupees. The second year's revenue amounted only to 9,643 rupees.

149. Unfortunately in the third year, in 1224 Fussily, (1816-17) when a settlement for four years was made, the officer who was employed could, from the quantity of business he had in the Suharunpoor district, where he was also Collector, pay very little attention to the Doon, and the best mode he thought of was to take the average of the two former years as a basis; and taking it for granted the district must have improved to encrease the demand a little on most of the villages. This produced for 1224 F. S. (1816-17) 11,146 rupees, for 1225 F. S. (1817-18) 12,020 rupees, 1226 and 1227 F. S. (1818 to 20) each 12,050 rupees. As above mentioned, the average of these sums or even a higher amount, might have been realized, had a little discrimination been exercised in assessing the different villages. This Mr. Moore, Collector of Suharunpoor,

did in a considerable degree in making the five years settlement from 1228 to 1232 F. S. (1820-1 to 1824-5) which produced respectively 13,365, 13,438, 12,756, 12,805, 12,966 rupees.

150. The officer at present in charge was enabled to give his undivided attention to the formation of the third settlement for five years, from 1233 to 1237 (1825-6 to 1829-30) inclusive, which was fixed respectively at 13,570, 13,595, 13,645, 13,645, 13,645 rupees, and will probably encrease in every successive settlement; but great moderation must be exercised in adding to the demand. This estimate includes the upper half of the province of Chandee.

151. Another source of revenue was the transit duties: these were collected on every article of commerce without exception, which was taken either to or from the hills or plains, and as the collecting stations were in different places, the same goods often paid twice or three times. The actual sum realized in 1222 Fussily (1814-15) was not 10,000 Rs. after paying expenses, and not 9,000 in 1223. The gross collection in the two years respectively, were 16,000 and 15,200 Rs. The small profit of the above, contrasted with the great draw-back to commerce and industry, naturally drew the notice of Government, and in 1224 F. S. (1816-17) the whole were abolished. This continued till 1226, (1818-19) when Mr. More representing the propriety of taking a cess for the produce of the jungles, a toll was laid upon it; for three years it was held *kucha* and produced about 4,000 rupees annually on an average; in 1229 (1821-2) the toll was farmed for 5,000 rupees a year for four years; in 1232 (1824-5) it was farmed for five years in different portions of the forest, for 8,500 rupees a year, (besides one place of taking the toll in the Kheree Pass, which for particular reasons was held *kucha*) which is perhaps as much as it will amount to.

152. The lower half of Purgunnah Chandee, transferred from Mooradabad in the beginning of 1826, yields in land revenue, according to the new settlement just made for four years, 783 Rs per mensem, and in revenue of jungle produce, 3200 Rs per annum.

153. The total collections of the Doon will therefore be, for the approaching year of 1235 Fussily or 1827-28 A. D., 26,164 Rs., exclusive of the *abkaree*, which will probably yield as much as in the present year, viz. 1,802 Rs.

#### FORMATION OF THE SETTLEMENT.

154. The present settlement was formed according to the land actually under cultivation in each village, with a considerable modification according to the sorts of grain chiefly cultivated, and whether the village had long been, or was newly inhabited. The Government assessment is, however, excessively light; in no village is it more than three annas per *kuchu* beega, (about 2 shillings per acre) 9 annas per pukka; in most villages not above 1½ or 2 annas per bigga; and in many the rent is merely nominal.

155. Some few of the villages are fully peopled and cultivated to their utmost extent, and might therefore be supposed capable of a much higher assessment; but, were such demanded, the inhabitants of such villages would immediately leave them and settle in those newly peopled, where the share of the produce taken by the holders from the cultivators, is from a twelfth to an eighteenth. Consequently it is necessary to encrease the demand very gradually upon the whole, and if this be done, the province will doubtless improve rapidly.

### RENT-FREE LANDS.

156. The whole of the rent-free lands may be estimated at yielding about 2,600 Rs- per annum, of which about 1,600 Rs- goes to the Sikh temple at Dhera.

### CIVIL CAUSES.

157. The number of civil causes during the years :

1823	1824	1825	and	1826	} Where the total amount of property litigated, was respectively
18	14	21	„	43	

tively 1,220 Rs-, 734 Rs-, 1,270 Rs- and 3,553 Rs-. The cause of greatest amount in each year was respectively 283 Rs-, 289 Rs-, 300 Rs- and 548 rupees.

### CRIMES.

158. Crimes are few. The following is a summary for four years :—

	Highway robbery and robbery by banditti	Murder.	Theft above 100 Rs-	Theft above 50 Rs-	Below 50 Rs-
1823	4	0	2	4	32
1824	5	0	6	0	12
1825	4	1	4	0	9
1826	1	0	0	0	24

The total amount of property stolen for the four years respectively, was Rs- 826, Rs- 2,926; Rs 1,814; Rs- 835. It should be observed, that whatever highway robberies or robberies by banditti are committed in the Doon, are entirely by gangs from the plains, who, as is well known, were particularly numerous and daring in the years 1823-24 and 25, since which they have greatly decreased. Of the above “highway robberies and dukties” one was accompanied by murder and one by wounding, slightly: of other heinous crimes, such as rapes, arson, &c., there were none.

### ACCIDENT.

159. There are no accidents peculiar to the province. A few people are killed by tigers, but the proportion both of the men and cattle is incredibly small in comparison with the numbers of tigers that exist. These animals would appear to live chiefly on deer or wild hogs.

### CIVIL ADMINISTRATION.

160. The administration of the Doon is now vested in a single officer, who possesses the powers of judge, magistrate and collector of the revenue. The establishment of the office is on a very limited scale. The language in which business was transacted, was, when the Doon was annexed to Suharunpoor, Persian; and as this was utterly unknown to every native of the province, the consequence was that every Government situation was filled by people from the plains; and those of a very inferior description; since those only who could not obtain employment there, would come to the Doon, where, from the poverty of the people, perquisites were but small—it being a perfectly understood matter, that in the greater part of Government offices here, as elsewhere, the salaries attached to

the situations open to natives, are insufficient to support the incumbents. Since the annexation of the province to Kumaon, the business has been conducted in the Oordoo or Hindoostanee, and chiefly in the Deva Nagree character, to the great satisfaction of the people, who can now transact their own business and understand the proceedings of the courts. The establishment of the police and revenue departments, consists of a Peshkar a Kanongo, a couple of writers and twelve chuprassees; who would be quite sufficient for all the business of the province, so quiet and well disposed are the inhabitants, were it not for the gangs of banditti who occasionally come up from the plains. To check these there are five duffadars and thirty-five burkandauzes, (police constables) who are all armed with carbines from the Government magazine, stationed at different posts along the lower range of hills; and during eight months of the year are strengthened by small detachments from the Sirmoor or Kumaon Battalion.

### MILITARY FORCE.

161. The military force stationed within the Doon, consists of that Battalion, which is a local corps; its head-quarters are at Dehra. From its origin it is denominated a Goorkha corps, having been raised in 1815 from men who came over from the Goorkha service, but there are few real Goorkhas now among them. Probably of the whole about four-tenths are inhabitants of Gurhwall, two-tenths of Kumaon; three-tenths of the whole Nipalese territory, and one-tenth from various other places in the hills, including a very few from the plains. The English officers are one commandant, a second in command, and Adjutant; uniform green with red facings; the men are armed with neat and serviceable fusées. The bazar establishment is kept up in an excellent manner; major Young (now Colonel) requires the shop-keepers and others attached to maintain carriage for the articles in which they deal; consequently the corps is ready to move at a moment's warning. In October, 1824, when a serious disturbance occurred in the Suharunpoor district, a party of 200 men, besides officers commissioned and non-commissioned, received the order to march at 7 one evening and at 3 the next morning moved out without any requisition made for carriage to the civil authority. The shop-keepers of the bazar had their own: the native officers had servants and ponies; and with few exceptions the men carried their own baggage. Including the servants of major Young, who commanded the detachment, and of Mr. Shore, the civil officer, who accompanied it, the total of camp followers did not probably exceed half the amount of fighting men. The detachment made a forced march of twenty-seven miles that day over a bad road; next day being joined on the road by 160 men more of the same corps, who came from Seharunpoor, where they were stationed, accompanied by Mr. Grindall the Magistrate, Mr. Royle the Civil Surgeon, and captain Debude, an Engineer officer employed in surveying in this part, but who volunteered his aid on the occasion; it proceeded thirteen more and found the insurgents about 800 or 900 strong, posted in a small mud fort close to the village of Koonja.

162. These were headed by three notorious bandit chiefs; they had within a month plundered the town of Bhugwanpoor; attacked and carried off about 18,000 rupees of Government treasure in dispatch to the Collector's treasury, besides committing various minor acts of plunder and outrage in which many people were killed and wounded by them. They were so emboldened by their success, and by the hostile feeling which was at that time exhibiting itself towards the British Government all over that part of the country, that they induced Biji Sing, the owner of the fort of Koonja, to join them and give them shelter in his fort. There Kulloo, the chief of the dakoits, assumed the name and title of Rajah Kullian Sing, and sent notices round to the different landholders in

that part of the Suharunpoor district and in the Doon, demanding certain sums, in default of which he threatened to plunder the villages. They had resolved to plunder Suharunpoor itself on the night of the day which proved so fatal to them. Indeed, as the detachment had neither guns or scaling ladders, and the walls of the fort were in good order, the insurgents looked with confidence to the result; and in derision talked of beating off and cutting up the hill monkeys, as they called the men of the Sirmoor Battalion, and then carrying into effect the intended plunder of Suharunpoor.

163. On the 3d October, 1824, the second day after leaving Dehra, the detachment arrived before the fort; and were saluted by a fire of matchlocks and wall pieces; there seemed at first little prospect of effecting any good; as the fort appeared safe from attack without either guns or ladders, and the party far too small to surround it or prevent the escape of the insurgents in a body, which would have left them at liberty to prosecute their designs of plunder: the state of the country, too, rendered it extremely probable that they would be joined by parties of considerable strength which were forming all over the district either for that purpose, or to plunder on their own account. Every circumstance urged the adoption of prompt measures. It was suggested by Mr. Shore, and seconded by Captain Debude, to form a battering ram of a young tree, and to attempt by such means to breach the gate. Accordingly all preparations being completed under cover of a small grove and temple near the gate, a flanking party was thrown out on each side to keep down the fire from the walls, (in which fortunately there were no loop-holes; so that the besieged were obliged to put their heads over to fire) the ram slung by ropes, to be worked by the men without any standard frame work, was moved up to the gate, followed by the main body. After some time the gate was forced open, and the men rushed in. A great many of the insurgents jumped down the walls and escaped, but all the best men retreating into the small rooms and houses with which the fort was filled, fought sword in hand to the last with that desperation, which the certainty of being killed on one side or hanged on the other, generally inspires; nearly a third of the insurgents were cut up; the Goorkhas' loss was forty killed and wounded.

164. The people all over that part of the country had adopted a notion that the British were going to evacuate some of the north-western provinces; and in many instances even those who were peaceably disposed had objected to pay the revenue, observing that the money might as well remain in their hands until the change of Government should have been completed, to prevent their being called upon to pay it twice: but the greater part were actuated by a decidedly hostile feeling, which many did not hesitate to show. The effect of the storm of this fort was, to use the words of a neighbouring Magistrate, like an electric shock: it happened at an auspicious moment and was productive of important public benefit; in which terms the service was most handsomely acknowledged by Government. Detachments from this Battalion have been constantly employed in checking the gangs of banditti, who, occasionally lurking in the hilly and jungly ground between the Doon and the plains, are ready for any opportunity of plunder. The corps also formed part of the force under Sir David Ochterlony in the Pindary campaign, and a portion of it was at Bhurutpoor.

#### CHARACTER.

165. There is always a difficulty in drawing a general character of the people of any province, which might be expected to be greater than usual in one like this, where so many races are intermixed: but though, of course, there are many shades of distinction, the following may be taken for as near a description as any general one can be. The chief

feature of the people is their laziness and apathy, and this is probably to be attributed to the tyranny and oppression which had existed for so many years previous to the accession of the British authority, which has so completely broken the spirit of the people, that they seem to be infinitely more deficient in energy than those of the plains, and till lately to be almost wanting in desire to raise themselves in the world. They are, however, a simple race, little addicted to falsehood, and excessively quiet ; thieving and, indeed, crimes of all sorts, being extremely rare.

166. In civil money causes the debt is generally owned by the defendant, and a bad season or other excuse for non-payment pleaded ; with a promise, which is generally performed, to pay as soon as he is able ; one man only has been confined for debt since February 1823. The criminal and miscellaneous department, consists perhaps of a few complaints of petty assault ; altogether, the hearing of complaints, and receiving petitions, of all sort in matters relating to the Doon alone, does not require, on an average, above an hour a day. Thefts and other crimes are few, amounting to only one hundred and eighteen in four years, among a population of about 24,000, of which fourteen were gang robberies committed by people from the plains. Murder is almost the only serious crime committed, and that is very rare, only one having occurred in four years ; it is usually perpetrated from jealousy or to destroy some poor old wretch who is supposed to be a wizzard or a witch.

167. The people are docile, and are persuaded without much difficulty, to attempt any thing which may better them, and on the whole, will not disappoint any one who quietly endeavours to do them good. With a little encouragement they are ready enough to communicate their wants and feelings and even to speak in a very unreserved way when they are allowed to do so ; of which many amusing instances are constantly occurring, some of which are subjoined in a note. The influx of people from the plains, consequent on the establishment of the convalescent depôt at Landour, will not tend to improve their morals.

#### GENERAL OBSERVATIONS.

168. The Doon has on the whole slightly improved since it came under the British authority ; but by no means so fast as it might have done, had circumstances allowed Government to have appointed a civil officer to the particular charge of it from the first. It is indeed greatly to be lamented that this could not, have been done, for some years will yet elapse before the evil consequences of the mode in which the valley was managed for several years after it was taken possession of by the British. The oppressions of the Goorkhas had been such that the accession of our Government was hailed with delight : those who remained in the province looked forward not merely to the enjoyment of justice and their rights, but to a little encouragement and assistance to enable them in some measure to recover their former prosperity ; and those who had been expatriated were looking forward to the hope of returning to their former homes. The annexation, however, of the Doon to Suharunpoor, blighted all these prospects. The evil consequences of this have been already alluded to ; for while on the one hand no assistance whatever was given to the people, on the other they suffered severe extortion and oppressions from the Government native officers, and from the servants of English gentleman who came into the valley on parties of pleasure : and it is no exaggeration to say, that after several years' experience of the British administration, the inhabitants of the Doon actually regretted the change of masters : and the emigrants who at first expected to be enabled to return to their former homes, soon relinquished the

idea ; finding themselves better off where they were in the Sikh territory to which the greater number had gone.

169. The state of the district is such that it requires not merely negative care, by which is meant preventing oppression and malpractices by the Government native officers, and in other respects leaving the people to improve themselves, a plan which would answer admirably with most parts of the country under the British Government ; but positive and unremitting care and vigilance to prevent the province from retrograding. The people require being stimulated into a little energy ; but mere words will not effect this, unless accompanied by actions to prove to them that the person is in earnest. A hundred rupees, for instance, laid out properly in assisting them to dig a well, will induce the inhabitants of a large village to labor at the work at their leisure hours, to an extent, that a similar quantity of hired laborer would have cost perhaps 1,000 rupees. Of this there were several instances during the last year, but the officer in charge not having authority from Government to do so, advanced the money out of his own private funds.

170. Were a discretionary authority given to make occasional advances of money for digging wells, clearing forests, cutting small canals for irrigation, and making roads, there can be no doubt that the province would improve more in the next ten years, than it will, as matters at present are carried on, in fifty. It is no exaggeration to say that, had an officer been appointed with such powers in the year 1814, the land revenue alone would now have been full 30,000 rupees yearly, instead of not quite half that amount, although the total Government outlay in advances would not probably have exceeded 10,000 rupees ; and that in a few years more this sum would have been doubled by the increase of land brought under cultivation.

171. When at last a civil officer was appointed to reside in the Doon in 1823, the circumstances were very different ; nine years more had passed over and still found the people in the same apathy and with the same want of spirit to exert themselves in which they had been for half a century, and what was worse, the moral influence of the British name had ceased to have any effect. "At first so great were the hopes entertained, that a person of mild temper, with a little tact, and with authority to give some assistance in money, might have stirred up the people to make great exertions, and have succeeded in bringing back almost all the emigrants ; but when Mr. Shore went to reside in the Doon, he found the above feeling not only as strong as ever, but to it was added a repugnance to have any communication with an Englishman, or with a Government officer of any description. It was also much more difficult to induce the expatriated people to return. Nine years had carried off many of the old stock, many of the existing race had either been born since the emigration of their families, or were so young at the time as scarcely to recollect their former homes, and they plainly answered that they were well off in their present abode, that they heard that the British Government was not better than that of the Goorkhas, and that they should not think of moving unless considerable assistance in money were given them to build their houses, dig canals, or otherwise promote their comfort.

172. It was sometime before the people could be induced to conquer their dislike to personal communication with the officer in charge of the district ; but, by perseverance, this was effected, and he could not help feeling an interest in them. The province is on the whole now beginning to show an alteration for the better : in 1823 there were only seven carts ; there are now more than a hundred. There is in the different villages an evident spirit of improvement succeeding to the former apathy ; the people work harder



than they did, lands which have lain waste for perhaps thirty years or more, are now breaking up ; men who hitherto lived from hand to mouth as labourers, are now borrowing money to procure cattle and implements of husbandry, and they find people willing to lend. Some new villages are annually taken by men who have capital to bring them into cultivation, but the improvement is but a tithe of what might have been effected, by a resident officer with power to assist the people with advances of money ; and were this authority given now, the result would soon prove the truth of these observations.

173. To view the present state of the Doop, and wander over the jungles, seeing remains of tanks, wells of masonry, regular planted mango and other fruit groves, hedges and other vestiges of what it once was, is lamentable beyond conception ; and brings to one's mind fearful pictures of the miseries which must have accompanied its desolation ; it should at least induce those who have the power, to give assistance towards bringing it to its once prosperous state.

F. J. SHORE.

*Dehra Doon, Assist. Commrs. office, April 30th, 1827.*

## NOTES TO THE REPORT ON THE DEHRA DOON.

(a) to para. 40.—Although practical jokes are, generally speaking, only to be tolerated among school boys, yet I used to play off one connected with this well, which will be allowed to be fair enough. It was to persuade my friends to descend the well in a bucket under the assurance that the depth was so great that from the bottom the stars were visible in day light. Yet there was a large shed over the well projecting many feet all round beyond its edge: it is surprising how many descended the well without recollecting the shed, although standing under it just before they went down.

(b.) to para. 43.—The black bear is not ordinarily carnivorous; nor will it injure a man unless occasionally when disturbed while eating or when with its young. But sometimes a madness seems to come over this animal, when it will devour flesh in preference to any thing else; and I have known instances of its being caught in traps baited with flesh for leopards. The natives call it *churruk* when in this state. At other times they show little ferocity even when disturbed with their young, as the following anecdote will show, which was well authenticated by the parties present. Six or seven men who were out hunting porcupines, came to a cave large enough for a man easily to crawl in on his hands and knees, at the mouth of which were marks of its being a haunt of these animals: one of the men crawled in with a stick in his hand, but instead of a porcupine, found a she bear with her two cubs. He had just time to call out, when the bear rushed at him: he mechanically turned his head on one side, when the bear seized him by the shoulder, dragged him some way into the cave, dropped him and returned to her cubs. The man lay motionless watching the glistening of the bear's eyes as she fondled her cubs, for about three hours, after which both bear and cubs went to sleep; and the man creeping out backwards as gently as possible, made his escape. The melancholy part remains to be told. On his being seized the others ran off calling out *Punchum is killed by a bear*: his mother, who was a widow, hearing this, said "my only son is now killed; I have no one left to take care of me,"—went off seven miles to the river, threw herself in and was drowned. Three hours afterwards her son came back very little hurt.

The natives have an absurd idea that a bear meeting a woman alone will carry her off to his cave for his wife. This is not confined to the lower orders: the Rajah of Terree told me a tale of a bear having kept a woman five days, at the end of which she was found upon a tree, by her husband and a party of friends,—which story the Rajah firmly believed.

The mode of hunting bears in the hills just above the Doon, is by large parties on foot, armed in every possible way, but chiefly with swords, spears and sticks, accompanied by dogs; at which sport the villagers shew great courage. A bear cannot spring in the least: his mode of attack is to rear on his hind legs and use his fore claws and teeth. At such times, when the animal is within a few feet, a man who is cool, with a good gun, may shoot him through the heart with great ease. The whole scene, including the previous hunt over the rugged hills, is glorious sport.

(c) to para. 44.—The mode of catching elephants is chiefly by pits. Each pit is about 42 feet long, 9 broad, and 9 or 10 deep; it is covered over with branches of trees and grass. Nevertheless, so cunning are these animals, that I do not believe they ever fall into the pits, when walking quietly along; the catastrophe happens when running away in consequence of having been frightened, or when browsing the branches of trees, particularly of the bamboo, they step backwards into the pit. If left alone, those of a tolerable size, would soon break down the side of the pit and escape, but within a short time after one is caught, the pit is surrounded by men with long spears, who drive the animal back at every attempt he makes, while others fasten his legs and neck, with ropes secured to neighbouring trees. He is usually taken out and carried away to the owner's residence the next day. This is effected by the pit being filled with grass and branches, which gradually rises the animal to the surface, when he is tied to a large tame elephant and walked off.

I once came by in the morning after a fine mukna had been caught. He was more than seven feet high and very savage. After a considerable time a rope was fastened round his hind leg and attached to a tree; he turned round and pressing his head upon it, without apparently the slightest exertion, snapped it asunder as if it had been pack thread; another rope he seized in his trunk and putting it into his mouth bit it in two. He then made a desperate effort to get out of the pit, and in spite of spears worked himself so high up as to be lying on his side on the edge of the pit, with his hind legs some way off the ground. The men thought it was now past hope, and away we went to get upon trees for safety from the enraged animal; but as he lay still, they made another rush at his forehead with their spears. He made another effort, lost his balance and fell back into the pit. He then stood quiet, apparently exhausted, and the men succeeded in lashing twelve ropes, one after the other, round his left hind leg, and fastening them to a tree. I then left, but heard afterwards that they had been unable to secure his neck, and that during the next night, he broke the ropes, beat down the side of the pit, and finally made his escape. These ropes are usually made of leather, and are each about an inch and a half in diameter.

Formerly men who made a business of elephant catching, were in the habit of keeping up pits and maintaining an establishment to watch them, but the expense of this more than swallowed up the profits. The villagers bordering on the jungles now keep up and watch the pits, which costs them nothing but the employment of a little leisure time; and when an elephant is caught, he is usually sold as he stands to one of the regular trainers. The price is about one-fourth of what the elephant will sell for when trained, but as nearly one half die under the discipline necessary, considering the expenses, the profit is but moderate. Tigers, bears, leopards, and deer are sometimes caught in these pits. In some parts the villagers keep up pits solely to catch these animals, the deer they eat, and for the others, who are easily shot in the pits, they get the Government reward. A full grown leopard or tiger will leap out of the pit although 9 or 10 feet deep.

A curious and melancholy instance occurred not long ago. A man having a little money left him by a relation, determined to try his fortune as an elephant catcher. He dug several pits and was so fortunate as to

catch a fine elephant within a day or two afterwards. Not having proper means to secure him, the animal broke down the pit, got out, and as usual in such cases ran to attack the man. The latter in endeavoring to escape fell into another of his own pits; the elephant being too close to stop fell in upon him, smashed the man to atoms by his weight and broke his own tines in the fall. To prevent other elephants from being frightened away, the other hunters shot the one in the pit, and immediately filled it in with earth, and so ended the poor man's life and hopes.

Elephants are sometimes hunted down by tame ones and thus caught. Three or four men, each mounted on a swift tame elephant, go into the forest till they perceive a herd of wild ones. They raise a shout, which drives the herd off in different directions; (a herd will always run off at the shout of a man; a single elephant, particularly if it be a male, is usually very dangerous) and selecting one, pursue that until they overtake and surround it; when it is secured with ropes and brought home. Only very young elephants can be caught in this way. Keddas are unknown in this part of the country.

Not long ago an occurrence happened which would indeed have been a splendid sight to have witnessed; a fight between two wild male elephants of the largest size, until one was killed. No one actually witnessed it, but in one spot the ground was found covered with blood, and trampled for a large space by elephants, and one fine male lay dead, gored to death by his antagonist, who had left the spot.

The following are a specimen of the prices at which elephants caught in these jungles have lately been sold. One only four feet high, but two months caught, sold for Rs. 400; one six feet and a half high, six months caught, sold for 1,300; one six feet high, eight months caught, for 1,250; a young male, five and a half feet high, seven months caught, for 930. A man named Jooma Khan, of Jwalapoor, near Hurdwar, after taking horses to Calcutta a short time back, went to Silhet, where he bought two good sized elephants for Rs. 450. He took them to Hurdwar, where he sold them to Sikh chiefs, one for Rs. 1,600, the other for 1,800; a fortunate speculation as it turned out, but the risk was great; for elephants brought suddenly to the upper provinces from the moist climate of Eastern Bengal, frequently die. An anecdote is told in illustration of an English gentleman at Delhi, who once sent a confidential servant to Silhet, to purchase several elephants for himself and friends. When anxiously expecting the arrival of the animals, the servant walked in one morning, followed by several porters, bearing the tails of the elephants, who had all died on the road; and he had brought the tails, together with as many certificates from different police officers, to prove that they had really died, and prevent any suspicion of his having sold them. About seven or eight months are in general sufficient time to break in an elephant.

(d) para. 47. - It is beautiful sport to sit on a tree to watch for a tiger: nor is it any sacrifice of time. If a tiger kill a bullock in the morning, and do not eat it then, he will generally return for that purpose about sunset. In these cases the people used to make a platform in some neighbouring tree, and send me word if the place was within a short distance of my house or tent. I usually went down about 3 p. m. and took my post in the tree; at first I have sat up half the night, but after killing several I became less keen, and returned home if the animal had not come by the time it was dark.

If a person sits quiet, animals of all kinds will pass close to the tree, and birds will settle on it without appearing to be aware of the presence of man. Jackalls and village dogs will begin to gnaw the carcase, while vultures are standing round and perched upon the trees. But all the animals seem to know instinctively how the carcase came there and to be on the watch for the tiger. After every bite, or at the least shaking of the leaves, the dogs or jackalls start and look round, some times run off for several yards, when the carcase is immediately attacked by the vultures, who are driven off by the dogs on returning to their meal.

In one instant the dogs and jackalls vanish, and the vultures rise from the ground, and then we know that the tiger is approaching. When there is a clear spot near, he walks majestically across it without the least appearance of ferocity, to his evening meal; but as he nears the carcase, approaches it crouching, why, I cannot pretend to say, for he does not spring upon it; but it has always been the case with every tiger or leopard which I have watched in this way. He generally begins upon the breast or stomach, and when fully engaged, then the sportsman takes aim at the tiger's heart and pulls the fatal trigger. If struck they usually roar, but not if you miss them, which frequently happens in firing in the dark, even though the animal be only a few yards distance; they start, look about astonished as if a thunderbolt had fallen, but do not appear to know that a man is near them. If hungry they will sometimes again attack the carcase; but if not struck the first time, a person will almost always obtain a second shot before the animal leaves.

In this mode of shooting them there is no danger at all. In returning from the lurking place in the dark, if the tiger has not come, which he does not always do, all that is necessary is to have three or four men waiting in some safe spot to come at your signal with large torches. On one occasion I took my drawing materials and quietly sketched the tiger while he was eating his supper, and then took my gun and shot him.

In attacking them in large parties on foot there is considerable danger; but this is only done in particular cases when a tiger has taken up some post and makes a practice of carrying off men: in which case it is an object to destroy him even at the risk of two or three casualties; for many more lives would otherwise be lost. But whether by good fortune or good management, the casualties in this sort of sport are very few. On one occasion a large party of us went out, for of course we cannot send the men without accompanying them to share whatever risk there may be, and killed one tiger one day and three on the next, within four miles of Dehra; and only one person was hurt.

(e) para. 64. - I am told that Lieut. Kirke, Adjutant of the Birmoor battalion, has proved this idea to be correct; and that by care and attention he has produced fruits and vegetables of the first quality.

(f) para. 65. - "Seeing is believing" is a common proverb: stinging will sometimes produce the same results. I was mentioning this to an acquaintance who was on a visit to me, and who I perceived by his face was incredulous. In the evening I asked him to take a ride, and conducted him to a place where the nettles were of the

height specified. A pathway lay through them, and by constant use the smaller twigs had all been worn away, the stems being almost bare to the height of a man; above which the twigs well covered with leaves met over the path. I went first, and having prepared myself with a thick pair of gloves, pushed the branches aside away from my face as we rode along, and escaped without damage. My friend not being aware of what I was about, allowed many of the leaves to strike against his hands and face, and presently exclaimed "Is the place full of mosquitoes, or what is it that is biting me at such a rate?" "Oh," said I, "you will believe me next time I tell you of nettles twelve feet high." "Zounds," retorted he, "I will believe any thing you please, only let us get out of this."

(g) para. 67.—All along under the head *cucha seer* to *cucha bigah*, *pucka* to *pucka*, three of the former, one of the latter. The seer is rather more the quart; the bigah is to the best of my recollection, (I have mislaid my memorandum) rather more than half a statute acre.

(h) para. 76.—The want of roads in the hills is strongly exemplified by the prices of grain at Sreenugur, and at Hurdwar. When 80 seers or two maunds of wheat can sometimes be procured at the former place for 1 rupee, only 35 seers can be obtained at the latter. Yet the distance between the two places is not above twenty five miles crow-flight.

(i) para. 80.—I gave a copy of this to Capt. Herbert, late geological surveyor in the Himalayah, which he sent to the *Gleanings in Science*. In the transcribing, however, several errors have been committed, for the statement in that periodical is not correct.

(j) para. 92.—A friend (Col. A —) and myself, once went several miles down the Jumna on one of these rafts. The raft was about sixty feet long, and not above eight or nine broad, fitted up with a couple of small oars, but the men depended more on their poles to prevent the raft running aground. We shot down the rapids with great velocity, in several of them at the rate of seven or eight miles per hour, and in one or two for a few seconds I think we must have gone at the rate of full ten miles; the raft grating along the stones of the rapid like the rumbling of eight earth-quake. At the tail of these water falls, as one may almost call them, the eddy would sometimes whirl the raft some three feet under water; and although at the recommendation of the raftmen we had taken the precaution to have a frame erected to sit upon, we could not avoid getting wet. At these moments the expression of the Colonel's face was highly interesting. The scenery of the rocky hills covered with luxuriant vegetation, through which the river wound its way in a narrow stream as clear as crystal, was most beautiful. There is one rapid called the "Dhola pancee," or "foaming water," which is so violent, and the eddy at its foot so strong, that only one man remains on the raft whilst it shoots down; all the rest leave it above and get on board again below the rapid. Such is the state of the navigation of the Jumna for thirty or forty miles from the foot of the Budraj mountain; yet a few years ago a proposition was set on foot to supply Delhi with ice from Budraj, to be carried down the Jumna in boats. To say nothing of the navigation, it would cost full as much to make and collect the ice in the first instance at Budraj as at Delhi itself. So much for speculators who make proposals without knowing what they are about.

(k) para. 95.—Forster mentions a ledge of rocks in the Ganges near the village of Jamba or Djemah, which reached half across the river, and over which the water broke with great violence. This is a mistake; there neither is or ever was any such ledge of rocks: Forster must have been deceived by the appearance of a rapid where however the water only breaks over stones and pebbles. These rapids not unfrequently shift their places during a rainy season, the force of which carries the stones away from one place, leaving smooth water where the rapid existed, and accumulates them in another.

(l) para. 116.—From the enquiries I had made in the western Provinces and the Doon, I entertained a strong conviction that suttee might, at least in those parts of the country, be prevented by order, without creating any disturbance; and I determined on the first opportunity to take the responsibility on myself and make the experiment. In order to pave the way, I took every opportunity of telling the people that I would prevent these human sacrifices; in general little or no remark was made in reply; but sometimes an old man would observe "I have seen the Mohammedan, the Mahratta, the Sikh, and the Gurkwall rule in this province; they have all done as they pleased with us, and issued what orders they liked: I suppose the English will do the same." In May, 1820, I was encamped near the village of Bhogpoor, when a suttee was about to take place: the village watchman came to inform me, and by him I merely sent a message to say that if the suttee took place any where, (for it was on the borders of an independent Hindoo Prince's territory, and I feared they might cross the boundary and complete the suttee) I would impose a fine upon the whole village. Nothing more was done; the villagers collected together, prevented the widow from leaving her house, and carried away her deceased husband's body to be burnt with the usual ceremonies. No suttee, disturbance, or complaint occurred.

(m) para. 132.—The hill men are sometimes seized with fits of indigestion, which seem to bid defiance to medicine. To one man I gave an oz. of black salt; five hours after another oz. without any effect, some time after 8 grains of calomel and 20 of rhubarb, after that 5 grains of tartar emetic, before any effect was produced.

To another I gave in the morning 4 grains tartar emetic; in the afternoon an oz. of black salt; at night 10 grs. calomel; next morning 10 grs. calomel and 30 of jalap; in the afternoon 8 grs. tartar emetic and a glyster; but it was not until after several glysters had been administered (for as they gave him ease from the great pain he complained of I continued them) that any effect was produced. After all in neither case was the purging or vomiting violent.

Wound is so speedily cured at most seasons. I once set a boy's arm which had been broken by a kick from a cow; and in a fortnight it had joined. Living so much away from other Englishmen, and being constantly solicited for medicine by the people, induced me to read medical books; which has enabled me, by the help of practice, to be of use to many.

(n) para. 147.—The native era is the Fuslee.

(o) para. 161.—Since altered to black facings.

(p) para. 167.—When the people have become acquainted with an officer, they are very free and unreserved in their communications, and the scenes and conversations that occur are amusing.

As I was one day returning to my tent from a ride near Hurdwar, I overtook a man walking along at a terrible rate with his face swelling like a turkey-cock; as soon as he saw me, he called out "I was just coming to you, Sir, to ask you to punish that rascal Choona Sing."

"What for, what has he done?"

"Your honor, he has owed me seven rupees for this year past, and just now when I went to ask him to pay me, he abused, beat me, and took my sword away;" seeing the man was in a fury of passion I could not help joking a little with him, and observed—

"But Choona Sing is not near so stout a man as you, how is it you allowed him to treat you in this way?"

"I am not afraid of Choona Sing, but of your honor. Oh! if your worship will only give me leave I will engage to slap him to death before you with my open hand."

"But my friend Choona Sing is a respectable man and rents a village; if you kill him whence am I to get the rent?"

"He respectable! He pay rent! he does nothing but cheat and abuse every honest man he comes across; and I hope you will trounce him severely for his infamous conduct to me."

"Oh, certainly, but we will send him a summons first and hear what he has to say."

On another occasion as I was sitting under a tree in the jungle, smoking a pipe after a long ride, a wood-cutter who was employed there came up, and after a little chatting began—

"Oh, Sir, you committed great injustice the other day."

"Indeed! I am very sorry to hear it; how was it?"

"Why, when you decided Baloo's cause against me."

"But my friend it is impossible to please both parties, and I dare say that Baloo will tell me I gave a most admirable decision."

But of all horrors it is to be obliged to listen to a complaint by an old woman; it is amusing also to hear her rant, and rave, and cry, and wander away from the point in question, to which it is the most difficult thing to keep her. e. g.

"I'm ruined—I'm plundered!—I have nothing left but to throw myself into the river!—Justice! justice! Will no one hear my complaint?"

"But what is the matter, my good woman?"

"Matter! here have I been telling you how I am ruined and plundered, and no justice can I get: poor people are never attended to."

"But do tell me what has happened; how can I do anything till you do?"

"If you will not give me justice I can't help it: a pretty Government this: it is that of Kulloo (a noted bandit) not that of the English as far as I am concerned." &c. &c.

And after about half an hour of this work one gets at the cream of the story, which is perhaps the delay of a day in the payment of a few pice for some vegetables which the old woman has sold, or some such trivial matter. And all the time the old hag is looking as spiteful as if she were ready to tear the eyes out of any one who approached her. When once enraged these old creatures never for a moment reflect on the probability of the story they are telling, and will, without any hesitation, make the most incredible accusations. It would not in the slightest degree surprise me to hear an old woman of eighty, accuse a man of a hundred years old, who had been bedridden half that period, of having ravished her. The young ones are bad enough, but heaven defend one from encountering an old native woman when in a passion!

The Boksas are fine free spoken men when encouraged, and I have been much delighted when hunting with them, to see the spirit with which they enter into the sport, and the ease with which they talk to a superior. They unfortunately are fond of liquor, and like all natives of India who once adopt the taste cannot refrain from excess. On one occasion after a hard day's sport I offered a knowing old hand a bottle of brandy, which he joyfully accepted, observing—

"I shall keep this till I get home."

"That is, because you intend to get drunk at the hooly!" (which was then approaching)

"Just so, and if I were to get drunk here and make a noise in your camp, you would be angry."

"Perhaps I should; but can you not divide it into three or four portions, and drink one each day; the pleasure would last longer, and you would avoid getting tipsy."

"Oh, Sir, that would be no pleasure to have a cup merely, without getting comfortably jolly;" and comfortably jolly the man got, and got his head half broke too in a scuffle, as I afterwards learnt.

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## THE JUDICIAL SYSTEM OF INDIA.

REPORT OF CHARLES H. CAMERON, ESQ., ONE OF HIS MAJESTY'S COMMISSIONERS OF INQUIRY, UPON  
THE JUDICIAL ESTABLISHMENTS AND PROCEDURE IN CEYLON; DATED 31ST JANUARY, 1832.

### SPECIAL OBJECTS OF JUDICIAL ESTABLISHMENTS AND PROCEDURE IN CEYLON.

The condition of the native inhabitants of the Island of Ceylon imposes upon a government which has their improvement at heart, the necessity not only of providing cheap and accessible judicatures for the relief of those who have suffered injury, and the punishment of those who have inflicted it, but also of guarding with peculiar anxiety against the danger that the judicatures themselves should be employed as the means of perpetrating that injustice which it is the object of their institution to prevent.

It is obvious that the importance of a good system of judicature increases in proportion to the deficiency of those other restraints upon the bad passions of mankind, which pass under the general name of morality, and in Ceylon these restraints are deficient to such a degree, that each individual owes nearly all the security he enjoys to the protection of the law.

But if the protection of the law is to be granted at all to the great mass of the native population, it must be granted gratuitously, that is to say, the expense, without which the intervention of judicial power cannot be obtained, must not be imposed upon any individual until it becomes apparent that he was not entitled to that intervention.

The smallest sums are of great importance to the natives of Ceylon, not only on account of their general poverty, but also on account of the high value of money; so that fees of stamps, which from their small amount would seem to oppose scarcely any obstacle to the attainment of justice by the poor in England, must frequently operate as a complete denial of it in Ceylon.

At the same time, however, that the greatest facility must be afforded to every man who is really seeking redress, the utmost vigilance must be exerted to prevent legal proceedings from being perverted to purposes of vexation and oppression.

The disregard of an oath, and of truth in general among the natives is notorious; not less so is their readiness to gratify their malignant passion through the medium of vexatious litigation.

Before, therefore, any man is permitted to direct the process of a court of justice against another; before any man is permitted to cast upon another the burden of defending himself; before any part to a suit is permitted to cast upon his adversary any burden of proof, every possible means must be adopted to ascertain that he has probable grounds for doing so.

Those judicial establishments, and that scheme of procedure which I am about to recommend to your Lordship, have therefore two principal objects in view, and for the attainment of each of these objects two distinct sets of means seem to be essential.

The first object is—

I. To render it as easy as possible for any man to enforce his rights through the medium of a court of justice.

That two sets of means for its attainment are—

1st. The establishment of a sufficient number of courts to which the suitor may apply with the least possible expense and delay.

2d. Such a constitution of the courts as will insure, in the highest possible degree, correctness of decision.

II. To render it as difficult as possible for any man to inflict injury upon another through the medium of such courts as have been indicated above.

The two sets of means for its attainment are—

1st. A rigorous investigation into the truth of every allegation upon which a court of justice is required to lend its aid to a suitor.

2d. The infliction of punishment upon every suitor who wilfully attempts to mislead the court.

### ACTUAL JUDICIAL ESTABLISHMENTS AND PROCEDURE.

Before I submit any recommendation to your Lordship, it will be proper to describe the judicial establishments and the forms of procedure now existing in Ceylon, so far at least as to enable you to judge of their defects with reference to what I have stated as the principal objects to be attained, and the means of attaining them.

For a more complete and detailed accounts, I take the liberty of referring your Lordship to the replies of the different judges of the questions which for the most part, were addressed to them by my colleague, and to the printed laws of the island.

### JUDGES OF ORIGINAL JURISDICTION, NUMBER AND DESCRIPTION OF

The judges having original and local jurisdiction are sufficiently numerous, or more than sufficiently numerous for all the purposes of justice.

There are in the Maritime provinces seven (a) provincial judges, and twenty sitting magistrates.

In the Kandyan provinces, one judicial commissioner, one sitting magistrate, one judicial agent, and ten agents of government; and on this point, the only alteration I shall have to propose is, that the distinction between these functionaries should be abolished in name and substance, and their number more accurately adjusted to the quantity of business to be transacted.

### EDUCATION OF JUDGES OF ORIGINAL JURISDICTION.

All the above-mentioned functionaries are at present gentlemen not only unconnected with the profession of the law, but whose education has been in no degree adapted to the special purpose of qualifying them for the administration of justice, and who, by the usual course of promotion in the civil service, are practically acknowledged to be equally fit for the discharge of any other functions.

### PLEADING AND EVIDENCE.

The causes tried before the local judicatures all over the island are not reduced, by any rational and methodical system of pleading, to one or more disputed points of fact or law.

The court is generally obliged to give judgment without any previous separation of the matters really at issue, and the proofs applicable to them, from the confused mass of statement and evidence with which the passions and ignorance of the parties, induce them to encumber the case; and as the judge

does not sum up the evidence, nor give in general the reasons for his decision, all that the parties or the public, or even the judge himself, can know is, that he has given a decision in favour of *A.* and against *B.* But upon what state of facts the judgment has proceeded, or what points of law have been determined by it, can only be matter of vague conjecture.

This evil pervades all classes of suits; but it is aggravated to the highest pitch in those suits arising in the maritime provinces, for the correct decision of which the Legislature appears to have been most anxious to provide; viz. suits in which the value in dispute being above 15*l.*, an appeal lies to the minor, or to the high court of appeal. In such suits, the provincial judge is bound by law, provided a witness be competent, to receive and take down whatever he states, however irrelevant to the matter in dispute.

This was no doubt an expedient, but it is surely a very clumsy one, for insuring to an appellant party the benefit of any evidence which, in the opinion of the court of appeal, might be relevant to the issue. It does indeed attain this object, but at the same time it enables a party to waste the time of the court below, and to embarrass the points for its decision to any extent.

The proper course is, undoubtedly, to leave the question of admission or rejection in the first instance to the court of original jurisdiction, and to let its decision, upon that question itself, be brought before the appellate court. This is what takes place in English procedure, by means of motions for a new trial and bills of exceptions.

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### MARITIME PROVINCES.

The provincial judges and sitting magistrates are not assisted by any jury or assessors. The audience who frequent their courts consists of natives, with whom the judge does not associate, and whose good opinion is of little or no importance to him. There is no Bar in his court, there is no person present to whom, either officially or from motives of respect, he is called upon to sum up the evidence, and to state his view of the law applicable to the state of facts which the evidence establishes.

Setting aside, therefore, the apprehension of an appeal, of which I shall presently show the inefficacy, I may safely assert that every provincial judge or sitting magistrate who goes through the process necessary for arriving at a just conclusion upon the matters submitted to him, or indeed who bestows any painful attention upon them, does so from the sole motive of satisfying his own conscientious love of justice.

\* \* \* \* \*

For every step which a suitor is permitted to take in these courts, and the same is true

(a) Whoever is called upon to investigate the legislation of Ceylon will escape some perplexity, by knowing that the provincial courts were formed by changes (very extensive changes certainly) wrought in the Dutch landrads, or country courts.

The provincial courts and the landrads are indeed treated as distinct institutions in the Charter of 1810, the 14th section of which abolishes the former and re-establishes the latter; and also in the Charter of 1811, which repeals that section of the Charter of 1810. But in the 31st section of the Charter of 1810, the landrad of Colombo is designated as the "provincial court commonly called the landrad of Colombo;" and I can find no legislative act of any kind purporting to create the provincial courts de plano.

of all the courts in the island, whether exercising original or appellate jurisdiction, except the supreme court (a), he is obliged to pay, under the name of a stamp duty, a sum which, though it may be small and ineffectual for the beneficial purpose of raising a revenue, is large and powerful for the flagitious purpose of indiscriminately repressing litigation.

An exemption, however, from the payment of these duties may be obtained upon petition to the Governor to use *in formâ pauperis*. Such "petitions shall be presented to the court in which the suit is pending or to be instituted, or from which the appeal is made or to be made; and the poverty of the applicant must be proved to the court by his own affidavit and the affidavit of two other persons;" and the court is to "make inquiry and certify its opinion whether the applicant has apparently a good cause of action or defence."

On this subject a Minute of Government, dated 15th October, 1816, is a very instructive document, because it shows how large a class of persons in Ceylon is in a condition to avail itself of this charitable privilege, and at the same time how insignificant an object this large class and its interests have appeared in the eyes of the colonial government.

"The number of suits (says this Minute) admitted to be carried on *in formâ pauperis* having become very great, and new applications being daily made, it has been deemed necessary that all depending petitions be transmitted to the courts to which they relate, and that such others as may hereafter be presented will be referred in like manner, to remain in deposit till further orders.

"Provincial judges and magistrates are requested to establish amongst these claims such order of priority and succession as may appear just, reporting the same for his Excellency's information, and also stating when, and in what proportion, the general business of the court will admit, without public inconvenience, of entertaining more pauper suits."

The community being thus divided into those who can afford to pay for justice and those who cannot, the inconvenience of the former class, as distinguished from that of the latter, is openly designated as the public inconvenience; and the poor are plainly told that the government will only distribute justice gratuitously at those seasons when the sale of it is slack. Those who cannot pay are plainly told that they have no right by law to the services of a court of justice, but that, by sufferance, they may glean as much of them as is left after the true owners have taken all they have occasion for.

The effectual means are adopted under the present system for ascertaining the truth of the grounds on which the parties make ap-

plications for delay. The ground of these applications is generally the alleged absence of witnesses; and to what an extent the practical evil resulting from this cause has been carried, will appear from the following extracts taken from the evidence of those who are most competent to speak upon the subject, viz. the proctors who practise at Colombo. The experience of these gentlemen is in general confined to the provincial court of Colombo; but on this point the preliminary observation of Mr. Henry Staples should be kept in view.

"I will now proceed to point out more fully the causes of this delay and the other defects that occur in its proceedings. I speak, however, only of the provincial court of Colombo, which, with all its defects, is by far superior to those of the other provinces, its officers and practitioners having more opportunities to observe and compare their proceedings with those of the supreme court and correct what is imperfect, while the latter have especially the benefit of practising before the high court of appeal, and a greater field open to them for improvement in their profession. Having been in different parts of the island, and having also had many opportunities of observing the proceedings of the other provincial courts in appealable cases, I have no doubt that considerably more reform is needed in those courts than in that of Colombo."

Upon the subject of which I am treating, Mr. Henry Staples thus expresses himself:

"The next step is, by filing lists of the parties' witnesses, to which no other names can be added, as in respect of written evidence, the case being fixed for hearing is postponed successively from time to time for the attendance of absent witnesses, the parties never being called upon or obliged of themselves to produce them. I have known cases postponed in this manner from one to nearly three years. A plaintiff is thus at liberty to annoy a defendant for years together by keeping a suit pending over him, and a defendant can on the other hand prevent the plaintiff from recovering a just demand while squandering away his substance before his creditors' eyes; and this delay the defendant too often effects by giving in a long list of witnesses (most of whom are either fictitious, or the persons whose names appear, know nothing of the matter); and here let it be observed, that the provincial judge consider themselves obliged, by the 25th clause of the proclamation, to examine every witness, if the parties insist upon it. This obligation on the part of the provincial judges, doubtless arose from a conviction by the framers of the proclamation, that the ignorance of the judges would probably make them reject evidence which ought to have been received, though the clause does not seem to imply it.

"The practice of preventing the witnesses from attending, or subpoenas from being served upon them, is often resorted to for the purpose of delaying the case. Some rules might be laid down to prevent these abuses; and

(a) There are fees of court payable by the suitors in the Supreme Court, which in general amount in the course of a suit to more than the stamps in the other courts.



the best that occur to me are, that a party should be obliged to produce his witnesses or show good grounds, on affidavit, why they are not forthcoming, and that they are so material to his case that he cannot safely proceed to trial without them."

Mr. *Driberg* says, "I may say, that it is partly owing to this want of power in the provincial judge, that suits in the court here are delayed. He is bound to hear all the witnesses that a party calls, particularly when it is appealable, unless waived, although in his mind a point has been sufficiently proved by the witnesses already examined. If one witness is absent in a case, and the party at whose instance he was subpoenaed alleges that it is a material witness, the court postpones the decision of the suit until he is examined, without making any inquiry as to what facts are to be proved by him."

The provincial judge of *Jaffna* remarks on the same subject: "The proceedings certainly allow of being protracted by parties interested in such delay. The great cause of delay is, the non-attendance of witnesses on the day fixed for trial, and persons wishing to protract the proceedings will often purposely insert in the lists of their witnesses names of persons whom they know to be absent from the place, or induce the witnesses on their own or the opposite side to absent themselves. It is difficult, or indeed almost impossible, to discover and check this system of tricking, and cases are therefore often unnecessarily delayed by it."

Mr. Justice *Marshall*, in examining the plan of a circuit court for the trial of civil suits, says "One rarely takes up the proceedings of any case from a provincial court, in which one postponement at least has not taken place (more commonly several) by desire of one or the other of the parties, on account of the absence of material witnesses. This is a ground on which it is scarcely possible to resist the postponement of a trial, if it be true, and the truth of which it is not easy to ascertain. Let affidavits be required of the absence and even of the facts which would be proved by the absent witnesses, and this is going further than English practice would warrant; the necessary affidavits to any number and in any form which might be proscribed would never be wanting."

It is clear that a judge may cause as much mischief by granting delay upon the allegation of grounds which have no existence in fact, as by misdecision on matters of law, yet in the one case he does not feel himself under anything like the same degree of responsibility as in the other. As the appellate jurisdictions are now constituted, the granting or refusing of applications for delay never comes under their cognizance. But even if the judge had the strongest motive for doing upon such applications what justice requires, the existing practice does not afford him the means. Mr. *Staples*, in the above extract from his evidence, recommends that the party applying should show by affidavit why his

witnesses are not forthcoming, and that he cannot safely proceed to trial without them; but such affidavits, as Mr. Justice *Marshall* remarks, would never be wanting; and the only effectual remedy for this great abuse is, to apply to the assertions of the party respecting the absence and the materiality of his witnesses, that test which is found to be the most powerful detector of falsehood in other cases, viz. *vis à voce* examination and cross-examination; and this is accordingly what I shall recommend in its proper place.

Great difficulties appear to be thrown in the way of plaintiffs, even after the question between them and their adversaries has been determined, in consequence of fraudulent claims being set up to property taken in execution.

On this subject, Mr. H. *Staples* observes, "In no one instance is there so much delay experienced as in cases of execution, when a party, who, after a long lapse and considerable trouble has obtained a judgment, is unable to reap the fruits of it, by the opportunities which the practice of the court, the fiscal's regulation, and the defects of his department afforded to a debtor, and to those who, from the nature of their office, are able to assist him in delaying to enforce the payment of his debt.

"The regulation obliges the fiscal to delay executing any writ against any property claimed by a third person, but he is to report every such claim to the court from whence the writ issues. It does not authorize him to inquire whether the claim be well or ill-founded, the nature of it, or to require the production of any deeds or other evidence for the information of the court.

"This part of the proceedings of the provincial court is attended with more mischief and abuse than any other. How often does it happen that a debtor causes some creature of his to enter a claim to property seized, without the latter having a shadow of title to it. The fiscal must of necessity report such claim, and the debtor thus gains his object of delaying the execution of the writ, on the return of which the claimant is cited to appear and establish his title to the property. Perhaps he does not attend to this notice; if this be the case, the writ re-issues with instructions to carry it into effect without attending to such claim; but another claimant appears, and the same course is pursued till the plaintiff is often tired out, and forced into any arrangement that his debtor, the defendant, may have proposed. But claims in execution, whether well or ill founded, if proceeded in, seldom take less than a year for their decision, for though the regulation enjoins that they be heard summarily, yet by the practice of the provincial court, the whole proceedings are conducted in the same manner, and through all the stages as in an ordinary suit, and the same postponements take place for the same causes as in other cases, without any difference or exception whatever, and the same expenses are incurred. I have known

such claims to have taken upwards of two years before they were decided; in short, the same length of time as in any other case."

The evil here described is certainly a very grievous one, I do not, however, perceive that there is any thing in the nature of a claim made by a third person to property taken in execution, which renders it proper to be decided in a more summary manner than a claim to property under any other circumstances. But the process of bringing the claimant before the court by a citation is unnecessarily circuitous. The claimant, giving notice to the fiscal to hold his hand, should come at once before the court like any other plaintiff, and then, like him, he will undergo, if my views should meet your Lordship's approbation, such an examination as is best calculated to bring to light the real nature of his claim, and such punishment, should its falsehood be established, as is best calculated to prevent a repetition of such attempts.

The process of the local courts appears to be executed in a very negligent manner. The evidence we possess on this subject also is derived from the proctors resident at Colombo, and it shows that there are two causes of negligence in executing the process of the local courts. First, that the fiscal, who is the executive officer of all courts in the maritime provinces, receives no remuneration for executing the process of the local courts; and secondly, that he is not practically liable to be punished by them for neglect of duty; I say practically, for though the law on the subject seems to be generally considered doubtful, I entirely agree with the opinion expressed in the evidence of Mr. Hillebrand, that every person is subject to the court of which he is an officer, in respect to his office.

Mr. *Drieburg* says, "The court has likewise no power to punish the fiscal, or the headmen acting under him, for their negligence in executing process, which is the main cause in consequence whereof witnesses cannot be easily brought before the court, and again the difficulty to bring before the court the server of the subpoena upon an absent witness who is to verify the service on oath before an attachment can be issued.

Mr. *Martensz* says, "The fiscal, though personally responsible for the acts of his deputies, takes no part in the execution of the process of the provincial court, and indeed interferes very little with the execution of the process of that court, because he derives no sort of fee or emolument, while upon the writs of the supreme court he receives a fee of 5 per cent. up to 500 rix-dollars, and above that sum, 3 per cent. on the amount of the writs, besides other fees for serving every citation and order of that court; and I should therefore think that if some remuneration were allowed to him, or rather to the person who carries the writ into execution, as also for serving every other process of the provincial court, he might be stimulated to more activity in the execution of the process of that court likewise. It is a doubtful question

whether the fiscal is liable to punishment by attachment or otherwise by the provincial court, for remissness in the execution of its process; and I should think that if this power were to be expressly given to that court, it will have another beneficial effect in the enforcement of its process, as the fiscal will then know that punctuality is the only means of eluding the punishment which will otherwise fall upon him."

Mr. *Hillebrand* says, "But the reverse is the case with the process issued from the provincial court of Colombo, which is an additional cause of the delay of cases in that court, which very often waits in vain for the attendance of the several defendants and witnesses on the day and at the hour appointed for their appearance, owing to the non-service of the process on them in due time, if at all. This delay and irregularity is of more frequency, and very glaring, in respect to the process of execution, which is very seldom or never returned to court on the day it is returnable, much less is the money, which is commanded to be levied by this process, regularly and punctually recovered and returned to the court, but on the contrary, it is delayed for many months, nay, nor even for years together, without carrying it into full execution.

"The reason of this striking difference, I think to be first, because the fiscal receives certain fees to execute the process of the supreme court, and none for that of the provincial court, and therefore in one case he is active and diligent, and in the other remiss and indolent; and secondly, because he is aware that the supreme court is vested with the power of visiting him with fine and imprisonment for any neglect of his duty: and on the contrary, it is opposed by him, and by many others, that the provincial court has no such power vested in it, contrary, as I humbly believe, to all principle of law, at least contrary to the civil or Roman Dutch laws, according to which every person is subject to the court of which he is an officer, in respect to his office, although he be not subject to the jurisdiction of such court by virtue of any right or privilege he may be entitled to; but the reason generally assigned by the fiscal when he is called upon to answer for the neglect of his duty is, that he has no control over the headmen, and therefore unable to force them to execute his orders; and although this plausible excuse may, in some degree, hold good with respect to the process that is to be executed by headmen in the corles, still it is no answer or justification with regard to process, that is to be executed within the gravets, and respecting which he has very seldom, if ever, given a satisfactory answer, whenever he has been called upon to account its delay; and yet he has never been visited by the court by any sort of duress or amercement for reasons above stated."

These extracts will show your Lordship that, even if the decrees of the local judicatures were the result of the profoundest legal know-

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ledge and the most diligent investigation, and if they could be obtained with the least possible delay and expense, the suitors would be still very far from deriving from them that protection which is the greatest blessing of good government.

The principal defect in the civil jurisdiction allotted to the local courts, consists in the almost complete exemption of Europeans from it, and in the nature of the exception to the completeness of that exemption.

No provincial judge can try any cause in which a European is defendant, in which the value in dispute exceeds 7l. 10s., though he can try causes between natives to any amount. My anxiety for the improvement of the natives of India does not render me blind to the marked distinctions which exist between them in their present moral condition and their European governors; and I think it highly important that such distinctions should not be neglected in constructing institutions for our Eastern possessions.

I would not, for example, trust a native with power over his countrymen in any case in which pecuniary considerations do not prevent the employment of a European. Their general contempt for the rights of inferiors, and the abominable spirit of caste, render them very unsafe depositaries of such a trust. But all men are equally entitled to protection from those who undertake to govern them; to protection from each other, as well as from external enemies; the lower too the moral condition of the people, the more do they need such protection; the more too is their government concerned, both in interest and duty, to afford it to them.

It must be remembered, that in Ceylon the provincial courts administer the same laws as the supreme court, so that there is not the same reason for this distinction between Europeans and natives as in Continental India; and the distinction does not here, as there, merely separate the causes of Europeans from those of natives, but it places on one side those causes of Europeans in which the value in dispute exceeds 7l. 10s., and on the other, those causes of Europeans in which the value in dispute falls short of 7l. 10s. together with all the causes of natives, and leads therefore to the inevitable inference, that these last are of no more account in the eyes of the government than those trifling interests of Europeans (as they are generally though improperly considered) with which they are thus classed.

The truth is, that the administration of justice to natives is of far more importance than its administration to Europeans, because they are so much less disposed to do justice to each other voluntarily; and I know of no instrument so powerful for gradually inducing upon them habits of honesty and sincerity as a judicial establishment, by which fraud and falsehood may be exposed to the greatest possible risk of detection and punishment.

The civil jurisdiction of the sitting magistrates has the same limits with regard to Euro-

peans, as that of the provincial judges, with the exception of the sitting magistrates of Mullettoe, Trincomale, and Batticaloa, who can try civil causes in which a European is defendant, provided the value in dispute does not exceed 22l. 10s.

The provincial courts have a testamentary jurisdiction, (which is apparently considered to include the power of appointing guardians to minors) which they have exercised *de facto* since the year 1805.

The Regulation No. 6, of 1826, legalizes the past exercise of this jurisdiction, and provides for the future exercise of it by the provincial courts.

This part of the business of the court appears to be conducted in a peculiarly negligent and unsatisfactory manner.

On this subject the evidence of Mr. Jumeaux, who practises as a proctor both in the supreme court and in the provincial court of Colombo, is very important.

"Should the provincial court of Colombo continue, I am of opinion that its testamentary and matrimonial jurisdiction, and the cases in them now pending, should be transferred to the supreme court without delay, for the evils in this class of cases are incalculable in the provincial court of Colombo; I dare say it is worse in the out-stations, owing to the distance they are from the supreme court. In this supreme court, one of the principal duties of the master in equity is to admit and check the accounts of the administrators and executors immediately under its control by which the interests of minors and others are protected, whilst in the provincial court of Colombo, executors and administrators have uncontrolled management of the property of minors and absentees.

"The testamentary business of the court is shamefully conducted for want of a sufficient establishment to attend to it, as well as to the great press of other business that daily engages attention.

"No official administrator has ever been appointed to administer to intestate estates, and the proceedings of the court in its testamentary jurisdiction are loose and improperly conducted, and the provincial judge is really incapable of remedying the defects that exist in these particulars. It is the opinion of every one that the testamentary business throughout the island ought to be thrown into the supreme court, where every attention is paid to it, and every remedy known and given to the persons interested."

A case came to my knowledge in consequence of a petition presented to Colonel Colebrooke and myself, which confirms the view taken on this subject by Messrs. Jumeaux and Henry Staples; and it illustrates in so striking a way how shamefully the interests of minors are neglected under the present system, and how great the necessity is for some reform in that system, that I think it right to bring it very concisely under your Lordship's notice.

The petition presented to Colonel Colebrooke and myself, stated facts which seemed to us to call for some inquiry on our part, as being illustrative, if true, of the mode of proceeding in the provincial courts. We did accordingly inquire, and the following appeared to be the facts of the case.

Hettige Isabella Perera, a minor, who presented the petition, was the daughter of Hettige Justina Perera. Upon the death of the latter, administration was granted by the provincial court of Colombo, and on the 22d June 1819, the sum of 759 r.ds. 7 f. was paid into that court by the administrator, as the share of the minor. This sum was deposited in the catcherry of Colombo, and out of it a sum of 750 r.ds. was lent, on interest, to one A. P. Dirks, on the 28th July, 1819. In May, 1820, a sum of 50 r.ds. 7f. 2p., arising from interest on the sum so lent out, was paid to one Garetooregy Gabriel Perera, for the maintenance of the minor. On the 22d November, 1820, A. P. Dirks paid into court the sum borrowed, 750 r-ds., and 38 r-ds. 3f. for further interest, both which sums were deposited in the catcherry of Colombo, and which making together, with the balance of 9 r-ds. 7f. then in deposit, a total of 797 r.ds. 10f., remained unproductive in the catcherry until the 24th September, 1830, and where it might have remained unproductive until the minor attained her full age, as it seems to be no part of the duty of the judge, or of any officer of his court, to look after the interests of minors.

Some time previous to the 6th April, 1830, the minor presented a petition to the Governor, stating that she was in a destitute condition, and praying that the money to which she was entitled might be made available for her support.

The petition was referred by the Governor to the provincial judge of Colombo, who reported that the court had offered the sum in question "to the petitioner, or any other person on her behalf, to take, on giving sufficient security, for the benefit of the minor."

On the 24th September, 1830, the money was paid to Henry Augustus Marshall, Esq., who, at the request of the minor, had been appointed her guardian, on his giving the requisite security.

At the rate of interest which may be obtained in Ceylon, the fortune of this girl (for such a sum is really a considerable fortune to a native girl) would have been more than doubled, had it been the duty of any responsible person to see that it was properly employed.

The courts of the sitting magistrates have only criminal jurisdiction, and that sort of civil jurisdiction which is usually called ordinary civil jurisdiction; but the provincial courts have, I believe, every species of jurisdiction; it is said, indeed, that they have no equitable jurisdiction, but such an expression, when used in reference to a country in which the Dutch Roman law prevails, has a meaning very different from that which it commonly

conveys to the minds of those bred in a country like England, where a very large portion of rights is removed from the cognizance of courts of law.

All that the expression means, when applied to the provincial courts in Ceylon, is, I believe, that they cannot grant the two sorts of relief known to the Dutch Roman law, "Restitutio in integrum," and "Judicial Relief;" that is to say, that they cannot relieve a party against such of his own acts as he, being legally competent to perform, has been induced to perform through fear, fraud, error, &c., nor can they relax the general rules laid down for regulating their own proceedings, upon the ground that such rules are productive of injustice in the particular case.

These are powers both incident to courts of law in England, though the latter is called their equitable jurisdiction, and which every court is fit to be entrusted with which is fit for the administration of justice at all.

The proceedings of the local judges are very insufficiently controlled by appellate judicatures.

There are four minor courts of appeal, one at Colombo, one at Jaffna, one at Trincomale, and one at Galle.

The constitution is still more defective than that of the courts of original jurisdiction. The judges who preside in them, like those whose decisions they are appointed to correct, have no education adapted to their functions; they sit without jury or assessors, and their proceedings attract less attention than those of the courts of original jurisdiction. The minor court of appeal at Colombo may be taken as an example. The judges who sit in it are four in number, so that their responsibility would be quartered, were it not so small as to be practically indivisible. They are, the provincial judge, the sitting magistrate (two of the functionaries from whom the appeal lies), the commissioner of revenue, and the collector of customs, all persons whose time ought to be fully occupied with their duties.

The Regulation of government, No. 5, of 1809, by which the minor courts of appeal were established, provides that they shall be competent to receive appeals from the decisions of all the provincial and other inferior courts within their respective jurisdiction in all civil cases whatever, under the amount appealable to the high court of appeal, that is to say, under 30*l*.

If the constitution of the minor courts of appeal had been such as to insure in any degree correctness of decision, the absence of all limitation downwards of the right of appealing to them would have been highly commendable; for it is unquestionably in those causes which are usually called trifling, in those causes the correct decision of which is of most importance to the happiness of the people, that every motive *ab extra* which can stimulate the attention of the judge, and impress him with a sense of responsibility, should be brought to bear upon him.

Those who have legislated for Ceylon, however, have been of a different opinion. By Regulation No. 9, of 1814, the appeal from the provincial courts is taken away, when the value in dispute does not exceed 15*l.*, and the appeal from any other courts of inferior jurisdiction is taken away, when the value in dispute does not exceed 1*l.* 17*s.* 6*d.*, excepting in cases "wherein the title to or possession of landed property shall directly or indirectly be in question."

The preamble of this latter Regulation is remarkable; and as my opinions are altogether wrong, if the doctrine assumed by it be right, I shall offer a few remarks upon it.

The preamble recites, that "it is found by experience that the right of appealing to the minor courts of appeal in cases of trifling value, serves only to encourage petty litigation."

That experience should show this, cannot indeed be a matter of surprise to any one; but experience has never shown that all petty litigation is an evil, or that petty injustice, which is a most grievous evil, can be prevented or remedied by any other means. A suit for a sum under 1*l.* 17*s.* 6*d.* may indeed seem an object of contempt to an European judge. Considering any individual case by itself, he would probably rather pay the amount claimed than be at the trouble\* of examining and deciding the question between the parties; but in the eyes of a native of Ceylon of the lower class, such a sum appears, and with great reason, an object of very high importance, an object, the unjust detention of which is calculated to excite in his mind the most violent animosity against the person who commits the wrong, and the government which fails to redress it.

Among all the duties incumbent on the British rulers in the East, it is impossible to name one more imperative than that of providing for the effectual decision by public authority of the disputes arising among the poorer classes, in other words, of providing for those classes the means of carrying on that petty litigation which this preamble so contemptuously stigmatizes. There is no benefit which a European government can confer upon its Asiatic subjects of the poorer class so valuable, and no means by which it can secure the permanence of its own dominion so honourably and effectually as this, and it is a benefit which none but an European government can confer. There is no way in which such part of the public property as the government might think fit to devote to eleemosynary purposes, can be so beneficially employed as in paying judicial establishments, by which the poor may obtain really gratuitous justice.

The misery and resentment of a poor man suffering under an act of injustice are most cruelly aggravated by the contempt\* with which the legislative and the judicial powers have openly treat his misfortunes, and I can conceive no tie which will bind the lower people so strongly to their government, as a judi-

cial establishment so contrived as that the very same attention and discrimination should be employed upon their causes as upon those of their affluent neighbours.

Your Lordship will find accordingly that the sort of appeal which I shall recommend will be extended to all cases, without reference to the value of the object in dispute.

The high court of appeal is better constituted than the minor courts of appeal, so far as regards competency for the decision of legal questions, inasmuch as the two judges of the supreme court are members of it. The other members are the Governor, the chief secretary, and the commissioner of revenue, who, as far as regards any legitimate purposes of judicature, are superfluous, and whose time ought to be occupied with other duties.

This court is furnished by the 92d section of the Charter of 1801, with very ample powers for correcting the mistakes and abuses of the subordinate jurisdictions; but as it sits always at Colombo, its judgments must in general be founded upon such matter only as appear on the records transmitted from the courts in which the suits have been originally decided, as the instance of most of these courts from Colombo must make the bringing of witnesses thither an operation so difficult and expensive as to be beyond the means of ordinary suitors.

When, therefore, I consider the general ignorance and poverty of the native suitors, and the general ignorance and dishonesty of their native legal advisers, together with the servility of both towards the Europeans in authority over them, it seems to me that the only mode of combining that unity which is every where essential to an appellate jurisdiction, considered as the ultimate expounder of the law, with that ubiquity which in Ceylon it must possess in order to be effectually accessible to the native suitors, and effectually to control the local judicatures, is to send one appeal court on circuit through the whole island to hear and determine appeals in causes of all kinds; and this is accordingly the measure which your Lordship will find recommended in its proper place.

By the 88th section of the Charter of 1801, the high court of appeal is declared to be "a court of civil jurisdiction for the hearing and determining appeals from all or any of the courts of justice established or which may be established within the said settlements and territories in the island of Ceylon, with their dependencies," except the supreme court. These words seem to hold out a promise of something like an uniform system of appellate jurisdiction. But, as by the 90th section of the same Charter, the sum or value appealed for must exceed 30*l.*; and as the sitting magistrates, who try the far greater number of civil causes, are not competent to try causes of that description, the benefit of this appeal is in fact confined to a small portion of the suitors in the provincial courts.

The returns which we possess do not enable me to ascertain accurately what the propor-

tion is between the causes which may be carried up to the high court of appeal and those which cannot, that is to say, between the causes in which the value in dispute exceeds 20*l.*, and the causes in which it does not exceed that sum. But these returns exhibit for the years 1826, 1827, 1828, and half of 1829, the proportion between the causes in which the value in dispute exceeds 22*l.* 10*s.*, and the causes in which it does not exceed that sum from which an approximative judgment may be formed of the proportion between the causes which are appealable to the high court, and the causes which are not. Taking the average of the three years and a half above mentioned, I find that the number of civil causes tried annually in the maritime provinces (I omit the few causes tried by the supreme court, which belong to an entirely different system of judicature), in which the value in dispute exceeds 22*l.* 10*s.*, is 693; while the number in which the value in dispute falls short of that sum, is, 14,107, giving a proportion of not quite one to twenty. So that, even if the amount which renders a cause appealable were reduced to three-fourths of what it actually is, more than 19 out of 20 suitors would be excluded from the benefit of access to this, the only appellate jurisdiction deserving of the name.

The supervision of a competent public, and that of a competent appellate jurisdiction, are, I believe, the only means by which courts of original jurisdiction are rendered in any country fitting instruments of judicature. Your Lordship will not therefore suppose that I mean to cast any reflection upon the gentlemen who preside in the local courts of Ceylon, when I say, that it is contrary to all our experience of human nature that they should be able to find in the recesses of their own minds a sufficient motive for the execution of that unemitting attention which is necessary for the investigation and decision of the matters which come before them, and of that imperturbable patience which can alone control the movements of indignation which the importunity, folly, impertinence and knavery of Indian witnesses are calculated to excite.

In criminal cases there is no appeal from the courts of original jurisdiction; but the supreme court (which is itself a court of original jurisdiction, and, as such, will be presently described,) exercise over these courts in criminal matters as much of superintendence as can be exercised by virtue of mandates in the nature of writs of mandamus, certiorari, procedendo and error.

Very soon after my arrival in Ceylon, I had the honour to make a report to your Lordship's predecessor in conjunction with Colonel Colebrooke, on the dangerous uncertainty in which the right of the supreme court to issue writs of habeas corpus was involved, and in the encroachment which had been made on that right, supposing it legally vested in the court, by a Regulation of government, passed *ex post facto* by a former Lieutenant-Governor, which Regulation, notwithstanding the express orders of Lord Bathurst for its repeal, was still in force when I arrived in the island.

In consequence of that Report, Sir George Murray was pleased to recommend to His Majesty to pass an Order in Council, which has established the power of the court to issue the mandate.

In the proper place, I shall recommend the union in one court of all those functions by which the proceedings of original judicatures of all sorts are superintended and controlled.

Among the courts having local jurisdiction must be reckoned the supreme court, though it has also, in respect of certain classes, jurisdiction over all the dominions which His Majesty had in Ceylon at the time of its establishment, that is to say, over all the maritime provinces, and its criminal jurisdiction and fiscal jurisdiction extend to all persons in those provinces.

In respect of its dignity, of the qualifications of its judges and the expense of its establishment, the supreme court ought to hold the first place among courts of local and original jurisdiction; but in respect that it transacts only a very trifling portion of the business, even in that narrow district to which its local jurisdiction is confined, and in respect that it is rather an excrescence upon the general system of judicature than a regular part of it, I have chosen to describe it last.

Its local jurisdiction extends no farther than the town, fort and district of Colombo\*, and consists of a civil, equitable and testamentary jurisdiction, and a jurisdiction over infants and lunatics.

But all these jurisdictions extend as regards Europeans and persons registered in the secretary's office as licensed to reside over the whole of the maritime provinces.

There are words also in the charter which provide for their eventual extension, together with that of its criminal and matrimonial jurisdiction, still further; but those words have been held by the law officers of the Crown in England not to apply to the Kandyan provinces until they shall be annexed as dependencies to the maritime provinces. The extension of the jurisdiction of the supreme court to Europeans, and the denial of it to natives beyond the limits of the town, fort and district of Colombo, is an unfair and invidious advantage given to the former over the latter; for the judges of this court, two in number, are gentlemen regularly educated to their profession and devoting their lives to it, and there is not in Ceylon the same ground for this distinction between Europeans and natives as in Continental India.

There the English law is administered to Europeans, and the native laws to natives; but in the maritime provinces of Ceylon the Dutch Roman law is administered, with certain exceptions, to Europeans and natives indifferently.

This provision was intended no doubt to confer an advantage upon Europeans in

\* The expression "district of Colombo" has a much more limited signification when used with relation to the supreme court than it has when used with relation to the provincial court of Colombo.

respect to equitable jurisdiction, as well as in respect to the other jurisdictions enumerated; but in reality it imposes a disadvantage upon them as opposed to natives in that respect, for as no other court in the island has any equitable jurisdiction, a European has no remedy in equity against a native not residing at Colombo, but all natives have a remedy in equity against all Europeans.

Now, though in a very large sense it may be said that it is an advantage to a man that he should be compellable in all cases to act justly, it is certainly not that sort of advantage which Europeans have generally reserved as their own peculiar privilege in their eastern dominions; and, in every point of view, the want of a reciprocal power to sue a native in equity is a disadvantage to the European. What I have just said may seem inconsistent with the remarks I made upon the meaning of the expression, "Equitable Jurisdiction," in speaking of the provincial courts; but as the supreme court is empowered by the charter to exercise an equitable jurisdiction in point of form as nearly as may be according to the rules and proceedings of the High Court of Chancery in Great Britain, it has thus been enabled to escape from that absurd rule of evidence by which, according to the Dutch Roman law, the oath of the party is held decisive of the matter sworn to.

This is certainly a considerable advantage, but though, as far as I have been able to discover, it is the only one which results from the equitable jurisdiction conferred on the Supreme Court by the Charter, it does not seem from the word of that instrument that it was contemplated by the framers of it.

The only jurisdiction of the Supreme Court remaining to be noticed is its matrimonial jurisdiction.

This is conferred by the 52d section of the Charter, together with the testamentary jurisdiction, and with the same limitations; but the 54th section provides, that it shall not extend to natives, and as it is only as regards natives that it had any local limits by the 2d section, it is not, or at least was not at the time the court was established, in any respect a local jurisdiction.

The criminal jurisdiction of the supreme court is exercised on circuit, and at Colombo; and the trial by jury, as your Lordship is aware, was introduced at the suggestion of Sir Alexander Johnston by the Charter of 1810. I attended nearly all the trials by jury which took place while I was in the island, and the impression on my mind is, that an institution in the nature of a jury is the best school in which the minds of the natives can be disciplined for the discharge of public duties. The juror performs his functions under the eye of an European judge, and of the European and Indian public, and in circumstance which almost exclude the possibility of bribery or intimidation.

In such a situation he has very little motive to do wrong, and he yet feels and learns to

appreciate the consciousness of rectitude. The importance which he justly attaches to the office renders it agreeable to him; and he not only pays great attention to the proceedings, but for the most part takes an active part in them.

No prisoner can be tried before the supreme court, but upon the prosecution of the advocate fiscal, who therefore resembles rather the Lord Advocate of Scotland than the attorney-general of England, his place is supplied in case of necessity by the deputy advocate-fiscal, who is also master in equity. Both these officers are English barristers.

Those prisoners who are tried before the supreme court are entitled to the assistance of a proctor, paid by the government; a provision deserving of the highest commendation and well calculated to make the government beloved and respected by its subjects.

The witnesses on both sides, in criminal cases before the supreme court, are also paid by government\* "by a circular letter (says Mr. Justice Marshall) from the Chief Secretary of government dated 20th November 1833, all magistrates are moreover to ask every prisoner at the time of committing him, if he has any witnesses; to indorse their names, if any, on the commitment; and to intimate to such prisoners that government will only allow batta (money for their subsistence during their attendance) to those witnesses whose names shall be given at that time. This limitation as to batta, which the great number of useless witnesses, almost always summoned by native prisoners, rendered very necessary†, by no means precludes their rights to summon as many as on a subsequent consideration, they may think advisable: accordingly at a convenient time before the session, all the witnesses on both sides are subpoenaed by the fiscal, and if any of them fail to attend without sufficient excuse, a warrant of attachment issues against them. All witnesses, on the one side as well as on the other, except such as live within the four gravets of the prisoner as above mentioned, whose names are not given at the time of his commitment, are allowed batta by Government from the day on which they leave their houses till the day of their discharge, and a reasonable time afterwards to allow of their return.

"This is paid by the fiscals of the several districts, abstracts being made of the witnesses and the sums paid to them respectively, which abstracts are signed by the witnesses, and serve as vouchers for the fiscals, for their repayment by government. The amount varies according to the rank of the witness, the lowest sum being six pice (or 2 and ½ pence), the highest, one rix-dollar (or 1s. 6d) per diem. Witnesses of the rank of mohandiram,

\* The Chief Justice in his evidence speaks of this payment as being made in the southern districts only. I have conversed with that gentleman on the subject since my return to England, and he states, that in practice the witnesses of prisoners in the northern district do not receive "batta," though he is not aware that this distinction has any foundation in law.

† Note by Mr. Justice Marshall.—It is no uncommon thing for a prisoner to summon upwards of 100 witnesses, all perhaps ignorant of the matter.

or above it, are allowed travelling expenses for palanquin-bearers, boat-hire or bullock-carts, according to their degree or the mode of travelling which may be necessary."

This right of the prisoner to have the expenses of his witnesses paid appears to me to be, in some respects, too much restricted, and in other respects too little restricted.

Considering the interests of the witness, it seems to me that his claim to compensation has nothing to do with propriety or impropriety of summoning him, and consequently, that the expenses of every witness who is summoned, and who attends *bonâ fide*, should be paid.

It follows that the restriction on the prisoner's right should not be in respect of the payment, but in respect of the summoning of his witnesses.

The prisoner should be compelled to lay before the magistrate reasonable grounds for summoning the witnesses he names. It surely does not follow, because a man has been accused of a crime, that he should be permitted to call away from their homes and their occupations a crowd of persons who know nothing about the matter in question, either at their own expense, or at that of the public. But on the other hand, a prisoner ought not to be deprived of the full benefit of witness's testimony (and the full benefit of testimony cannot, in general, be had from a witness who knows that his expenses are not to be paid), because in the agitation which may come upon any man when he is taken before a magistrate on a criminal accusation, he omits to specify that witness.

I shall have to consider the question, as to the payment of the expenses of witnesses by the public, more fully and more generally than is necessary in this place, when I come to lay my recommendations before your Lordship.

No appeal lies from the supreme court to the high court of appeal; but the judges of the supreme court are, *virtute officii*, judges of the high court of appeal.

The only appeal from the supreme court is to the King in Council; and it is confined to cases in which the value of the matter in dispute exceeds 500*l*.

The following statement will enable your Lordship to compare the quantity of business done by the two judges of the supreme court (which is all that the existing regulations permit it to transact), with the quantity done by the two other judges resident at Colombo; namely, the provincial judge and the sitting magistrate.

Total number of Civil and Criminal cases tried in three years, 1820. 27 28:

Provincial Court and Magistrates' Court at Colombo.....	18,145
Supreme Court at Colombo and on the circuits.....	529

I doubt whether such a waste of judicial power is exhibited in any other country in

the world. Here are two judges sent from the English or Irish bar, invested with high rank, and remunerated by ample salaries, for the purpose of trying\* 176 causes, civil and criminal, in the course of a year, as judges of the supreme court, and 33 appeals in the same period, as judges of the high court of appeal.

An extension of the jurisdiction of the supreme court has, I believe, been recommended by every judge that has ever sat in it; and if there were really any valid objection to such a measure, it would follow that the court ought to be abolished, or very greatly reduced. In the plan which I shall have the honour to recommend to your Lordship, I believe that ample occupation is provided for it.

#### KANDYAN PROVINCES.

The local judicatures in the Kandyan Provinces do not differ in many essential particulars from those of the maritime Provinces; they differ however in some, and they contain the rudiments of one institution, which, if improved and extended over the whole island, will, I think, produce the happiest effects.

The local judicatures consist of the judicial commissioner's court at Kandy, which is also a court of appeal; the sitting magistrate's court at Kandy; and the courts of the superior and inferior "agents of government" in the provinces.

The judicial commissioners and the agents of government must be assisted by at least two Kandyan assessors in all civil cases wherein land is the object in dispute, or wherein the value of the object in dispute exceeds 100 rix-dollars; and in all criminal cases, except those of "inferior description, such as common assaults, petty thefts, and breaches of the peace."

The presence of native assessors, who take an authoritative part in the proceedings, and thus constitute a legitimate organ for the tranquil and effectual expression of public opinion upon judicial matters, is the institution from the extension and improvement of which I venture to anticipate so much advantage.

The present assessors are selected from too small a class, and not from that class which is best adapted to the purpose.

In Kandy they are, by the 37th section of the Proclamation of 21st November, 1818, "two or more chiefs, and in the provinces one or more dessaves of the province, and one or more mohottales or principal korals, so as there shall be at least two Kandyan assessors, or of two mohottales or korals where no dissave can attend."

The persons here described are official persons of high rank, who cannot be regarded as fair representatives of the community; and

\* This is about the number usually tried at the York assizes by one judge in the course of a fortnight; but in instituting this comparison, it is proper to bear in mind, that the judge at — is occupied during the fortnight solely in the trial of cases, whereas the two judges of Colombo are occupied during the year, not only with the trials, but with the proceedings previous and subsequent to the trials.



they are so few in number, that the burthen of attendance would fall upon them with unreasonable severity, if they were called upon to assist, as I think for the interests of justice they ought to be at the trial of all cases.

They are more in the nature of judges than jurors, or rather they unite the defects of both. They unite that official permanence, which renders a judge unfit to decide many sorts of questions without the check imposed by the presence of some recognized representatives of the public at large, together with that want of professional skill which makes a juror unfit to decide any question without the assistance and control of some more disciplined mind.

A great man in the Kandyan country, and I suppose in all semi-barbarous countries, is peculiarly unfit for any occupation which demands laborious attention or laborious preparation. It appears from Robert Knox's very curious and accurate account of the Kandyan country, that in his time (that is, in the latter part of the 17th century), it was the business of the inferior officers to instruct their superiors in the manner of performing their duties.

After describing the adigars, he adds, "To these there are many officers and serjeants belonging.

"If the adigar be ignorant in what belongs to his place and office, these men do instruct him what and how to do: the like is in all other places, which the king bestows; if they know not what belongs to their places, there are inferior officers under them, that do teach and direct them how to act."

Sir John Doleys also, in his Sketch of the Constitution of the Kandyan Kingdom, remarks, that "the chief officers being principally chosen from the noble families, it frequently happened that they were persons of inactivity and inability, and being inexperienced in the affairs of the province or department committed to their charge, were frequently guided in judicial as well as other matters, by the provincial headman, or by those of their household."

From several conversations I had with different chiefs at Kandy, it appeared to me that this ignorance was rather put forward by them as matter of boast, and that they considered the removal of it by study and reflection as a drudgery very unworthy of their condition.

I shall therefore recommend to your Lordship, that the assessors should be chosen from all the respectable classes indiscriminately.

When the majority of the assessors differs from the agent of government, the proceedings are transferred to the court of the judicial commissioner, instead of the cause being decided by the inferior court, subject to an appeal to the superior, at the option of the losing party. In like manner, when the majority of the assessors differs from the judicial commissioner, the proceedings are transferred to the "Collective Board" (the first commissioner, the judicial commissioner, and the

revenue commissioner), who report upon the case to the Governor, who decides.

I think that in all cases the losing party should have every facility for appealing from the decision of the tribunals having original jurisdiction, and that a difference of opinion between the judge and the assessors may form a very reasonable motive in the mind of the party for such a proceeding; but I cannot see the expediency of forcing a cause, by the mere operation of law, into the superior court, when the losing party might possibly be convinced that the reasons on which the opinion against him is founded, are really those which ought to determine the question.

As in the courts of the maritime provinces, so in the Kandyan courts, the suitors cannot take a single step without paying for a stamp, and this burthen was avowedly imposed not for the legitimate purpose of raising a revenue, but for the monstrous purpose of rendering the courts of justice inaccessible.

The preamble of the Proclamation of the 26th March, 1834, recites, that "Litigation and Law-suits have increased in the Kandyan provinces to an extent productive of public inconvenience and vexation to individuals, by parties being called on to defend themselves against claims often unjust and frivolous, and many others being called away from their own business as witness; and that it is therefore necessary to devise a means of abating this litigious spirit."

The increase of litigation and law-suits is here stated as the substantive evil for which a remedy is to be sought, and the circumstance, that parties are called on to defend themselves against claims often unjust and frivolous, is merely added by way of aggravation; accordingly, penalties are inflicted, not upon those who institute unjust and frivolous suits, but upon those who institute suits of any kind.

It is the more remarkable that the plan of punishing the guilty only, instead of the guilty and the innocent together, for the crime of abusing the authority of courts of justice, did not occur to those who framed the above cited Proclamation, because that plan had occurred to those who framed the Proclamation of 1818, which is the foundation of the present system of Kandyan judicature. The 46th section of that Proclamation runs thus:—"In civil cases, the losing party may be, by the second commissioner or agent of government, discretionarily ordered to pay a sum to government of one-twentieth part of the value of the object in dispute, not exceeding in any case six dollars 50." And it certainly contains, though in a rude and imperfect condition, the true principle which alone can justify the imposition of any expense upon litigating parties.

The fine ought not to be fixed at the twentieth part of the value of the object in dispute, but to be adjusted according to the delinquency of the party and his ability to pay; neither is the sort of delinquency in question

capable of being committed only by the losing party, though undoubtedly it is much more frequently committed by that party. But the party who gains the cause is sometimes deserving of punishment for the vexatious, oppressive or unfair means by which he endeavours to maintain his just rights; and among the natives of India in particular, it is by no means uncommon to find fraud and perjury, and all the base arts by which injury is inflicted through the forms of law, employed in supporting a just or in resisting an unjust demand.

Within its local limits, the court of the judicial commissioner has jurisdiction over all classes of persons except military persons (which exception I shall presently notice more at length), and within those limits it has power to try all sorts of civil causes, and also all sorts of crimes; but sentences which award corporal punishment exceeding 100 lashes, imprisonment with or without chains, or labour exceeding four months, or fine exceeding 50 rix dollars, cannot be carried into execution until they have been referred to the Governor, through the Board of Commissioners, and confirmed by him. And in cases of treason, murder or homicide, the court cannot pass sentence, but merely reports its opinion on the prisoner's guilt, and the punishment to be inflicted, through the Board, to the Governor for his decision.

\* \* \* \* \*

The proceedings of the local judges in the Kandyan provinces are still more sufficiently controlled by appellate judicatures than those in the maritime provinces.

I have already noticed the way in which causes are carried up from an inferior to a superior tribunal, without any decision taking place in the former; but there is also in civil cases a formal appeal.

From the courts of the agents of government to that of the judicial commissioner, in cases wherein land is the object in dispute, or personal property exceeding 150 rix-dollars in value; and

From the court of the judicial commissioner to the Governor, in cases of the same description.

So that all cases which may be carried up by appeal from the courts of the agents of government to the court of the judicial commissioner, may be further carried up from that court to the Governor.

The Governor is thus the judge of appeal in the last resort from the local courts, and the principle of unity, considering the Kandyan provinces as distinct from the maritime, is preserved; and so far the system is good. But there is no sufficient reason why the causes which arise in the provinces should be carried through two stages of appeal, and the Governor is in no respect the proper officer to exercise the appellate function.

He does not hold any court of appeal, but refers the papers sent up to him from the judi-

cial commissioner's court to the deputy secretary or the master in equity, who prepares them for his consideration, and then, without any discussion, and generally without any assignment of reasons, the Governor gives his directions for affirming, reversing, or altering the decree of the court below.

Sir Edward Barnes, in his despatch addressed to Lord Bathurst, on the 4th January, 1827, has stated, that "without some person to prepare these cases for submission to him, it would be impossible for him to find time to go over the voluminous proceedings;" so that the Governor is obliged to depend, for the grounds upon which he forms his opinion, upon an irresponsible person who peruses in private, and without any communication with the parties or their agents. The privacy of this tribunal is the more objectionable, because the Governor has declared, that he possesses an equitable jurisdiction, and an equitable jurisdiction, where there are no positive rules of equity, means an unlimited discretionary power over the law.

This power is declared to be vested in the Governor by a letter from the Deputy Secretary to Government to the Board of Commissioners at Kandy, dated 10th July, 1829, of which the following is an extract:—

"In reference to the case of Nilgoodegere Kalu Ettina *versus* Kapoogedere Menika, one of those now sent, I am directed by the Governor to request that you will acquaint the judicial commissioner that he is bound to decide in all cases strictly according to the law, the equity of the case resting, his Excellency conceives, solely with himself."

There is no appeal in criminal cases; but by the 42d section of the proclamation of 21st November, 1818, it is provided, that "in criminal cases no sentence, either by the second commissioner or the agents of Government, shall be carried into effect, if it awards corporal punishment exceeding 100 lashes, imprisonment with or without chains or labour exceeding four months, or fine exceeding 50 rix-dollars, unless after reference to the Governor, through the Board of Commissioners, which will report on the case and sentence, and after his Excellency's confirmation of such sentence;" and by the 44th section, "in all cases of treason, murder or homicide, the trial shall be before the courts of the resident or of the second commissioner and his Kandyan assessors whose opinions as to the guilt of the defendant, and the sentence to be passed on any one convicted, is to be reported through the Board of Commissioners, with their opinion also, to his Excellency the Governor, for his determination."

In the Kandyan provinces there is no public prosecutor; or rather the functions of the public prosecutor are united with those of the judicial commissioner, the chief criminal judge. The observations which, in conjunction with Colonel Colebrooke, I had the honour to make to your Lordship's predecessor in office, upon the trial of Wilbawe Mudianse for high treason, in a despatch

dated 23d November, 1830, and the measures which your Lordship was pleased to adopt in consequence of that despatch, assure me that any further strictures upon this incongruous combination of duties are quite unnecessary.

I have now described to your Lordship, as far as I think it necessary for the purposes of this Report, all that can be properly called the judicial establishments both of the maritime and Kandyan provinces. But the sys-

tem of forced labour which, as your Lordship is aware, obtains in Ceylon, makes it necessary that a power of punishing those who refuse to work should reside somewhere. The power of punishing of course suppresses the power of investigating the facts which authorize the punishment; and the functionaries in whom these powers reside must be considered as in that respect, judicial.

(To be continued.)

## THE TRADE OF KABUL.

Kábul, the capital city of an extensive kingdom, is not only the centre of a large internal traffic, but enjoying eminent advantages of locality, ought to possess the whole of the carrying trade between India and Turkistán. A trade has ever existed between India and Afghanistan, the latter deriving from the former a variety of commodities foreign to the produce of its own soil, climate and manufactures, while she has little to return beyond fruits of native growth. Afghanistan is dependant upon India for articles indispensable for the convenience of her inhabitants, and the carrying on of her few manufactures, as fine calicos, indigo, spices, drugs, &c. Of late years the introduction of British manufactured goods as fine calicos, muslins, chintzes, shawls, &c., has produced a new era in this trade, superseding in great measure the inferior importations as to quality from India, and the more expensive fabrics from Kashmir. The consumption of these manufactures at Kábul, although extensive and increasing, will from causes have a limit, but to what extent they might be transmitted to the markets of Turkistán, cannot be so easily defined. At the same time that British manufactured goods have found their way to Kábul, so have also Russian, and what is singular even, British manufactured goods may be found at Kábul which have been imported from Bokhara.

The anarchy reigning in Afghanistan for a long period, and the ambiguous political relations of the several petty governments at the present time established in it, have not been favorable to the prosecution of its commerce, yet it would appear that during the last few years the trade of Kábul has considerably increased, the Custom House of Kábul, under the Suddozie Princes being farmed for only twenty-five thousand rupees per annum, and that of Ghazni for only seven thousand rupees per annum, whereas the last year (1834) the former was farmed for one lack and forty thousand rupees, and the latter for eighty thousand rupees—while the duties levied are at the same rate, viz. a chahalck,\* or two and half per cent. *ad valorem*. With respect to

the value of the Trade of Kábul, it may be observed that there are six points within its territories where duties on merchandize are levied; viz. Kábul, Ghazni, Bámbian, Charreckar, Loghur and Jalalabad. The transit duties at these several places in 1834 were farmed as follows:—

Kábul.	
$1,40,000 \times 40 = 56,00,000 \div 12$	Rs. pr £ Str. £466,666+
Ghazni.	
$80,000 \times 40 = 20,00,000 \div 12$	266,666+
Bámbian.	
$50,000 \times 40 = 20,00,000 \div 12$	166,666+
Charreckar.	
$10,000 \times 40 = 4,00,000 \div 12$	33,333+
Loghur.	
$6,000 \times 40 = 2,40,000 \div 12$	20,000.
Jalalabad.	
$12,000 \times 40 = 4,80,000 \div 12$	40,000.
2,98,000 {	Total Amount
of Duties.	Value of Merchandize. } £993,331

This table only correctly shows the amount of benefit to the State derived from direct duties on merchandize, as duties are levied on the same goods frequently at two places, as at Ghazni and Kábul, &c. yet when it is considered that the farmers of them reap, or expect to reap a profit, and that smuggling to a very great extent prevails, while there is constant evasion of payment of duty through favor, power or other circumstances; the calculation that the Trade of Kábul, with her neighbours may be of the value of one million sterling, is likely to fall short of rather than to exceed, the truth. Of this sum £200,000 will be the value of its trade with Turkistán.

The opening of the navigation of the Indus, and the establishment of British factories at Mithankot cannot fail to have a salutary effect in increasing the extent and facility of commercial transactions between India and Kábul, and of inducing a much larger consumption of British manufactured goods both in Kábul and Turkistán. Perhaps no spot could have been selected for a mart on the Indus, offering equal advantage with Mithankot, being at once the key to the rivers

\* Viz. one in forty.

of the Punjab, and the point nearly at which the merchandize of India is at the present day transmitted to Afghanistan by the medium of the Lohani merchants. It was no trivial point gained, that by the selection, a great portion of the extended trade will be confined to them, as the limited trade is now. Independantly of the wisdom of causing no unnecessary innovation in the established usages and practices of a people, the commercial Lohani tribes may be expected to lend every assistance to measures, which decrease their labours and lengthened journeys, and encrease consequently their gains. They have long engrossed the trade between Kábul and Multan, and the monopoly was and is due to their integrity, valor and industry. No other men could travel even in Kafilas from Kábul to Darband. The Lohanis pass *à l'armis*, and as they pay no duties on the road, and the camels (the beasts of burthen employed) are their own property, no other traders can afford to bring or carry merchandize at so cheap a rate, and they have therefore no competitors in the markets they frequent, able to undersell them. Moreover, at Kábul and Ghazni, on account of being Afghans, and in conformity to ancient rights or indulgence, they pay duties on a lower scale than other individuals. But the Lohanis, patient and persevering class of men, accustomed to a regular routine of trade, are from their habits, little likely to embark in any new speculations unless encouraged and invited to do so. Their caution, and perhaps apathy, cause them to form their investments of such goods as they know will sell, and by no means of such as may sell—seeming to prefer a certain but small profit to a larger but doubtful one. These reasons, I apprehend, account for the non-appearance of very many articles of British and Indian produce and manufactures in the Kábul market, while many articles are found there brought from Russia via Bokhara, which might be procured better in quality and cheaper in price from India.

In proportion to the extent and variety in the assortment of goods at Mithankot, will of course be the facility of introducing and disposing of them. At Quandahar, whose commerce is very short of that of Kábul, but whose merchants generally proceed to Bombay where there is no want of allurements to purchase from deficiency in the abundance, variety and display of goods, there are an infinity of articles to be found, which are in vain sought for at Kábul. Of the commodities of India and manufactures of Britain, which would find sale in Afghanistan and Turkishistan, the former are well known, and would remain as at present, the demand being only encreased as spices, indigo, muslin, fine sugar, drugs, &c., were diminished in price by the additional facilities which would be given to commerce, but of the latter a great variety of new articles might be introduced—chintzes, fine calicoes, muslins, shawls, &c. of British manufacture, have now become fashionable, and investments of broad cloth,

velvet, paper, cutlery, chinaware, gold and silver lace, gold thread, button, needles, sewing silks, and cotton thread, iron bars, copper, tin, brass and quicksilver, iron and steel wire, looking glasses, with a multitude of various little articles conducive to comfort and convenience would be readily disposed of. It is singular that not a sheet of English manufactured writing paper can be found in the bazar of Kábul, while Russian foolscap, of coarse inferior quality abounds, and is generally employed in the public departments.

It may not be improper to enumerate some of the articles which form the bulk of the exports from Russia to Bokhara, specifying such thereof as find their way to Kábul, the exact amount of the Russian exports to Bokhara, if an object to be ascertained, can be found by reference to the *Petersburgh Gazettes*, if accessible, in which they are printed.

*Manufactured Goods, &c.*

Broad cloth re-exported to Kábul in large quantities.  
Fine line and calico.  
Silk goods re-exported to Kábul in large quantities.  
Velvets, ditto ditto ditto.  
Crimets, rarely to Kábul.  
Sewing thread and silk.  
Gold and silver lace re-exported to Kábul.  
Gold and silver thread re-exported to Kábul.  
Needles re-exported to Kábul.  
Steel and copper wire re-exported to Kábul.  
Leather of Bulgar re-exported to Kábul.  
Paper re-exported to Kábul.  
China ware rarely to Kábul.  
Glass ware.  
Cutlery.  
Loaf sugar, very rarely.  
Iron in bars.  
Steel in bars.  
Tin in plates.  
Copper in plates re-exported to Kábul.  
Brass re-exported to Kábul.  
Quicksilver re-exported to Kábul.  
Cochineal re-exported to Kábul.  
Tea re-exported to Kábul.  
Honey.  
Wax, white and yellow.

In glancing over this imperfect list, it will be obvious, that many of the articles of Russian manufacture most largely imported to Kábul via Bokhara, ought to be superseded by similar ones from Bombay. From Orenburg the point whence traffic between Russia and Bokhara is principally conducted, there are sixty-two camel or Kalla marches, and from Bokhara to Kábul thirty-five camel or Kalla marches, being a total of ninety-seven camel or Kalla marches, independant of halts. In the distance travelled duties are levied at Khiva, Bokhara, Balkh, Muzzar, Khulum Hybnk, Qunduz, Kahuern, Solghhan, Baniian and Kábul. That the supplies from Bombay to Kábul have been hitherto inadequate for the wants of the market, is in a great measure owing to the sluggishness of the Afghan merchants; that they will cease to be so, may be hoped from the opening of the navigation of the Indus, and the conversion of Mithankot into a mart, which will bid fair to become a second Bombay for the merchants of these countries.

Broad cloth, largely imported from Bokhara, is a regular article of consumption at Kabul, being used for the chupkuns, kabahs, sinabunds, &c. of the opulent, as coverings to the holster pipes of the military, and as jackets for the disciplined troops. Dark colors are generally preferred, but blue, scarlet and drab are also in vogue, and fine and coarse qualities are alike saleable.

In fine linens and calicos, the Russian fabrics are unable to contend with British manufactures at Kabul either in quality or price, and some of the latter even find their way to Bokhara. Russian chintzes are esteemed more durable than British, as being of coarser texture, but with less elegant or fast colors, and although occasionally brought to Kabul, afford no profit to induce farther speculations.

Silk goods which are brought to Kabul from Bokhara, of Russian manufacture, and in large quantities, would appear to have every chance of being superseded by better and cheaper importations from Mithankot, or even Bombay, were certainly the fabrics of Bengal and China, if not England, must be abundant. Amongst a variety of modes in which silk goods are consumed at Kabul, permanent ones are in the under garments of both male and female inhabitants who can afford it. The colors most prized are red, blue and yellow. Silk handkerchiefs of various colors, and even black ones would probably meet a ready sale, as would some articles of silk hosiery, as socks, and even stockings; silk gloves, lace, ribbands, &c. might not be expected to sell, there being no use or idea of them. Kabul has its own silk manufactures introduced some twenty-five years since, by artisans from Harat, under the patronage of Shah Mahmud. At present there are eighty-eight looms in employment, each of which pays an annual tax to the state of twenty-three rupees. The articles manufactured are plain silks, called *kanavaiz*, red, yellow and purple. Durables of alighter texture, less width, and of the same colors. *Suja khaneer*, of large and small width, red ground with perpendicular white lines. *Dushmāls* or handkerchiefs, black and red with white spots, bound by females around their heads, and *loonghees hummāmā*, or for the bath. Raw and thrown silks are imported from Bokhara, Quandahar and Harat, and raw silk is procured from Tazhow, the districts of the Sufaid Koh, Koh Daman, and the neighbourhood of Kabul: the thrown silk of Harat is preferred to that of Bokhara, and the latter to that of Quandahar, while silk thrown at Kabul from native produce is preferred to all of them.

Velvets and satins, of Russian manufacture, are brought from Bokhara to Kabul, where there is a small but regular consumption. Velvets being employed some times for kabahs and to cover saddles, &c. This year the battalion soldiers were furnished with caps of velvet, all of Russian fabric. For kabahs, black velvet is most in request, but red and green are also used. Satins are employed

sometimes to form articles of dress, most frequently as facings and trimmings.

Sewing threads and silks, I should suppose, would be as saleable at Kabul as at Bokhara, but I have never observed any of European manufacture here. They are brought from Bombay to Hyderabad, and may be seen in the shops there.

Gold and silver lace is brought from Bokhara to Kabul of Russian manufacture in large quantities; they are also brought from India, both of Indian and British manufacture. The quantity brought from Bokhara exceeds that brought from India.

Steel and copper wire very largely exported from Russia to Bokhara, is introduced at Kabul. I am not aware of the uses or extent of consumption of these articles, but the former, I believe, is used for musical instruments. Leather, Churm of Bulgar, is brought from Bokhara to Kabul, of Russian preparation and in large quantities, being consumed in the construction of military and riding coats, horse furniture and mattarrahs or flasks for holding water, which every horseman considers a necessary part of his equipment. Leather is also largely prepared at Kabul, and hides are imported from Bajore, Peshawar, &c. Paper of Russian fabric is brought from Bokhara to Kabul in very large quantities, and is much in demand. It is of foolscap size and of stout inferior quality, and both white and blue in color as well as both glazed and unglazed. The blue glazed paper is preferred, unglazed paper being even submitted to the operation of glazing at Kabul. Quantities of Russian Paper both glazed and unglazed are annually exported from Kabul to Quandahar; at the latter place is also found ordinary white foolscap (perhaps brought from Bombay), but which from the water marks would appear to be of Portuguese fabric; the same article is also plentiful at Hyderabad, and may perhaps be manufactured at Daman. Paper for the Kabul market should be stout, to allow facility of erasure, and on this account, and with reference to the nature of the ink employed, glazed paper is most prized, which is prepared by saturating the unglazed fabric in a composition of starch, and subsequently polishing it. No duty is paid on paper at Kabul.

China-ware is some times exported from Bokhara to Kabul. But generally of ordinary Chinese fabric. It is also in a certain demand, which is likely to increase from the growing habit of tea drinking, &c. Articles of British China-ware are occasionally seen, but they have been brought (probably from Bombay) rather as presents than as objects for sale. In the same manner tea trays and other conveniences are found. China-ware, stone-ware and even the superior kinds of earthen-ware, would no doubt find a sale at Kabul, if the charges on their transmission from Bombay or Mithankot would allow of the speculation, but the articles should be of a solid nature, and fitted for the uses of the purchasers as plates, dishes, basins, bowls.

tea-pots, tea-cups, &c. China-ware as well as being in great use, is employed for ornament and display, every room in a respectable house, having its shelves furnished with sets of basins, bowls, &c. &c., and these are generally of the coarse fabric of Kábul. China-ware being scarce and too high in price. The earthen-ware of Kábul manufacture is very indifferent, although the country abounds with excellent materials.

Glass-ware exported from Russia to Bokhara is not brought to Kábul for sale, nor is any of British manufacture to be found—although many articles applicable to ordinary and useful purposes, would probably sell. To Hyderabad, imports from Bombay are in a greater or less degree made, and glass decanters with drinking glasses are common in the shops. During the last five or six years attempts have been made, generally by Persians, to establish a glass manufactory at Kábul, but the success has not been complete in a profitable point of view. The articles fabricated are bottles, drinking glasses, &c., the glass made is slight and not very clear, but upon the whole of tolerable quality.

Cutlery of Russian manufacture exported to Bokhara, is not brought to Kábul, nor has English cutlery ever been a subject of trade there. Hyderabad and also Quandahar derive many articles of cutlery from Bombay, as razors, scissors, clasp knives, &c. which would no doubt as readily sell at Kábul. These are manufactured at Kábul of inferior kinds, and of more esteemed quality at Chahar Bagh of Lughman, but they are still indifferent articles.

Loaf sugar largely imported from Russia to Bokhara is rarely brought to Kábul, where are manufactures of a coarse article prepared from the finer raw sugars imported from India, from which also sugar candies are prepared. In the districts west of Jalalabad, as Chahar Bagh, and Balla Bagh, the sugar cane is extensively cultivated and the products in sugar and gorr to a large amount are disposed of at Kábul, but whether from circumstances of soil, climate, cultivation, or preparation, (more probably the latter) both the cane and its produce are inferior articles. Sugars also find their way to Kábul from Peshawr where the plant thrives better or is cultivated with more attention, and the products consequently are of a richer and finer grain than those of Jalalabad. The sugars of India are exported from Kábul to Bokhara to a limited extent, but no British loaf sugar has ever arrived at Kábul, and the experiment remains untried whether it might be profitably carried to Bokhara, or be able to compete with that of Russian manufacture at that city, where from the universal habit of tea drinking it is in general demand and consumption. The chances are in its favor, but certainly were the communications as they might and ought to be, between India and Kábul and Turkistan, the latter, or at least her provinces south of the Oxus ought not to be dependent for Saccharine products on Russia.

Iron in bars, largely exported from Russia to Bokhara, does not find its way to Kábul, nor does iron of British produce, although exported from Bombay to Kalát of Bilochistan and Quandahar. Kábul derives its iron from the mines of Bajors, and re-exports it to Turkistan generally in the form of horse shoes, large quantities of which are annually sent over the Hindu Hosh mountains from Charreckar of Kohistan. Iron is not abundant at Kábul, and high priced, one and a half seer of unwrought iron selling for the current rupee, and for the same sum half the quantity (three charruks) of wrought iron.

Steel of Russian fabric exported to Bokhara is not introduced at Kábul, which independently of her own manufactures derives supplies of Indian steel via Peshawr and Multan, and British steel from Bombay via Quandahar.

Tin plates or white iron is largely brought to Bokhara from Russia, but not re-exported thence to Kábul. This article is exported from Bombay to Quandahar where there are several dokans or shops of whitesmiths.

Copper in plates and bars very extensively exported from Russia to Bokhara, is also largely exported from the latter place to Kábul where there is a constant and important consumption of it, for the ordinary household utensils of the inhabitants, for the copper coinage of the Government and for other various purposes. Copper from Bombay is largely introduced into Sindh, Bilochistan, and more to Quandahar. Whether it might be profitably brought to Kábul will be best determined by the prices obtained for it there. New unwrought copper is retailed for eight rupees the seer, Kábul, wrought or fashioned into vessels eleven rupees kahum, broken copper purchased by the mint at seven rupees the seer. Notwithstanding the existence of copper in many of the mountains of Afghanistan and Bilochistan, there is not a single mine worked in them, or indeed in any region between the Indus and the Euphrates, the Persians deriving their copper via Erzerum from Asia Minor, the Uzbeks and partially the Afghans from Russia, while Quandahar and the maritime provinces of Sindh and Bilochistan are supplied from Bombay.

Brass exported from Russia to Bokhara, is sparingly introduced into Kábul, where there is a limited but constant consumption of it in the ornaments of horse furniture, military arms and equipments, bells for the necks of camels, pestels, mortars, &c. &c. occasionally for the casting of guns. Brass utensils are little used by Mahammadans, but largely by Hindus, and these are brought prepared to Kábul from the Punjab.

Quicksilver is exported from Russia to Bokhara and thence to Kábul, and is employed to plate looking glasses, in medicines, &c. its consumption is but limited, and it is also brought from India.

Cochineal exported from Russia to Bokhara is brought thence to Kábul, where its consumption is by the silk-dyers. It sells for

seventy rupees kahun the munda of Tabriz, or two and a half munda of Kabul.

Tea is exported largely from Russia to Bokhara of a kind called there "khuosh booe," this is rarely brought to Kabul, but large quantities of ordinary kinds of black and green tea are brought there from Bokhara, which seem to be imported from China via Khekkan and Yangand. A superior kind of tea called "Bamka" is sometimes to be procured at Kabul, but not as an article for sale. The consumption of tea will, in process of time, be very considerable at Kabul, the habit of drinking it being a growing one. At Quandahar it does not prevail, and tea, I believe, is seldom or ever carried there for sale. As a beverage it is also nearly unknown in Belochistan and Sindh. It is considered cheap at Kabul at six rupees the charruk or one-fourth of a seer.

Honey and wax exported largely from Russia to Bokhara are not introduced into Kabul, which is plentifully supplied with excellent qualities of these articles from its native hills, as those of Bungush, Khonor, and the Sufaid Koh range.

The trade between Russia and Bokhara yields to the Government of the latter a yearly revenue of forty thousand tillahs collected from the kafilas passing to and fro. As khiraj or duty is levied at the rate of two and a half per cent ad valorem, the whole amount of the trade will not be less than 1,600,000 tillahs, or 12,500,000 Rs—a large excess to the amount of trade between Kabul and Bokhara, which would seem to be about 2,500,000.

The merchants of Kabul have many of them commercial transactions with Russia itself, and their agents or Gomashthas are resident at Orenberg and Astrakan, while their intercourse with India seems to exist rather from necessity than choice. The reason for the traffic of Kabul inclining towards Russia for articles of European fabric, may perhaps be discovered in the remoteness from it of any great mart for British manufactures. Bombay until lately the nearest, being to be reached by sea, if via Karaachi Bunder, or through countries unknown even by name here, if by a land route from Hyderabad. Sea voyages are generally much dreaded, and a journey to Bombay is seldom performed by an inhabitant of Kabul, unless as a consequence of one of the last and most desperate acts of his life, the pilgrimage to Mecca. It may also in part be ascribed to the comparative facility and safety of the communications between Kabul and Bokhara, which excepting one or two points are tolerably secure, while the Rulers of the intermediate regions are content to levy moderate badij or duty upon merchandize, the Governments of Bokhara, being in this respect singularly lenient and liberal. The routes between Kabul and India are with the exception of the dreary and desolate one of the Gomul, impracticable to any kafilah of whatever strength, and this can only be travelled by the Lohani, who are soldiers as well as merchants. But these being also a pastoral

community, for the convenience of their trade make but one visit to India during the year, and the route is closed except at the periods of their passage and return. The Lohani born and nurtured in the wilderness, and inured from infancy to hardship and danger, will encounter from custom the difficulties of the Gomul route, but the merchant of Kabul shrinks from them, and the route is likely ever to be monopolized by the Lohani, and never to become a general one for the merchants of Kabul. The intercourse between Kabul and India would be exceedingly promoted by opening the anciently existing high road from Kabul to Multan, &c. via Bungush and Baund. This route is very considerably shorter, leads chiefly through a level, fertile, and populous country, is practicable at all seasons of the year, and no doubt could be rendered safe were the Governments on the Indus and of Kabul to co-operate.

The traders of Russia appear very accurately to study the wants and convenience of the people with whom they traffic, and to adapt their exports accordingly. The last year (1864) a species of Russian chintz was brought as an experiment from Bokhara to Kabul. It was of an extraordinary breadth and of a novel pattern and was sold for three rupees the yad; in like manner was brought nunkah or linen stamped with chintz patterns, and the readiness with which these articles were disposed of will probably induce larger exports. The last article is one calculated to supplant the present large importations of British chintzes or stamped calicos. The advantage of superior machinery enabled the skilful and enterprising artisans of Great Britain to effect a memorable revolution in the commerce of Asia, and their white cottons and printed calicos have nearly driven from its markets the humbler manufactures of India. Slight cotton fabrics are, of course, eminently calculated for so sultry a climate as that of India, but less so perhaps for one so variable in temperature as that of Afghanistan. Its inhabitants while from necessity they clothe themselves in calicos, will naturally prefer the better fabrics of Britain, but if they were offered linens of equally fine web and beauty of printed patterns, there can be no doubt which would be selected. It is not improbable, but that sooner or later, manufactures of flax and hemp will in some measure supersede those of cotton for general use in Afghanistan.

I shall close these remarks which principally turn on the trade between Russia and Kabul via Bokhara, by observing that the Russian merchants so nicely study the wants and even disposition of the people with whom they traffic, that multitudes of the inhabitants of Kabul are to be seen with chupans of nunkah on their backs, actually got up and down at Orenburg—while all the shops in the city may be searched in vain for a single button of British, or indeed, any other manufacture, when one, two, three, or more are required for the dress of every individual, as substitutes for

which they are twisted into a spherical shape.

*Extract from a letter from Mr. Mason to Captain Wade, dated the 31st May, 1836.*

On arrival at Kábul, I made enquiries as to the chance of disposing of indigo and exhibited the samples sent. The quality was admitted by all, but it was asserted that the indigo was of a kind not in use here or at Bokhara. There were many consumers who would have taken a small quantity, say 1 or 2 maunds, and have experimented upon it, but that it could be advantageously sold in Kábul is not evident. The indigo of the vale of the Indus is now selling at rupees 80 per maund, and the brokers say is likely to fall to rupees 60, and these káhum, it being known that the Lohánis have purchased their indigo this season at the low rate of rupees 28 per maund. The light or brick like form of the musters is objected to; the dump form being preferred. The indigo received from the vale of the Indus, is packed first in a cotton bag; then cased with untanned skin, and covered with jálal or nummad. Three maunds are put

into each package, and one of them is reserved for a camel. Occasionally the packages consist of four maunds each. The hire of a camel from Mullán to Kábul is 16 rupees, and this is collected at the two derahs, at Ghasni and Kábul.

Two kafilas from Turkistan remain at Kábul, one is at Koshan in the same predicament. From the latter a quantity of gold thread and tillahs of Bokhara have been sent to Kábul.

Gold is very cheap. The tillah current for 8 rupees, and the dubát for 5½ rupees; the former rupees káhum. Chintzes, black pepper, and drugs from Bombay have been received at Kábul via Kandahar. The chintzes sold at low prices, and are retailed at ½ rupee the yard. Black pepper was at first sold for 44 rupees pukhtah per maund, ready money; afterwards fell to rupees 40; then advanced to 44, 48, and rupees 50, successively, and is in demand.

Shir khrist, or manna, sold for rupees 50 pukhtah per maund Tabrezi—ready money. Some camphor also arrived, but has not yet been sold.—*Calcutta Gazette.*

## PRACTICAL NOTES ON THE TRADE AND NAVIGATION OF THE INDUS.

1. A commercial communication has this year commenced on the Indus; in accordance with the Treaty, boats have both begun to ascend and descend the stream. It seems desirable therefore to record some of the earliest information of a practical nature regarding the river, the vessels on it, and the trade itself.

2. It is imperatively necessary to adhere to the mould of boats which are now in use on the river Indus. Science may, in time, improve them, but disappointment will, I believe, follow all attempts at it, till farther experience is obtained. A boat with a keel is not adapted to the river Indus.

3. Though the Indus is accessible, after November, the labour of tracking up against the stream is, at that time, great. The river is then, and for the three succeeding months, about its lowest, which prevents the boatmen from seeking the still water and drives them to the more rapid parts of the current. The northerly winds, which blow till February, make the task more than ever irksome, and extra trackers are required. The treaty too encourages large boats more than small ones, the toll on both being alike, and these unwieldy vessels require many hands which adds to the expense.

4. After February, the voyage from the sea

to Hydrabad, which would previously have occupied nearly a month, may be performed in five days, the expense of trackers is avoided, the river has less dangers, and the merchant thus saves his time, labour, and interest. The swell of the Indus does not prevent vessels ascending to the Punjab; for, at that time, the southerly winds prevail.

5. It is these southerly winds which give to the Indus, in its navigation, advantages over the Ganges. The course of the one river is about east and west, that of the other, north and south. Use must therefore be made of this natural advantage to make merchandize profitable by the route of the Indus.

6. The obstacles to navigating the Indus at its mouth are, no doubt, great, but they have been magnified. Above Calcutta, for a considerable part of the year, there is no greater depth in the rivers Bhagruttee and Jellinghee which lead from the Hoogly to the Ganges, than 2 and 3 feet. In the Indus a greater depth than this will always be found somewhere, to lead from the sea ports to the great river. This, then, is a decided advantage in the inland navigation, though the Indus has not a month accessible to large ships like the Ganges. It proves, too, that a portage of even a canal, (were it possible to cut ~~any~~) is unnecessary, as it must never be forgotten



that the largest boats of the river draw but four feet when heavily laden.\*

Much stress has been laid upon a place being fixed for unshipping the cargoes of the sea-going, into the river-going, boats. Anxiety on this point is useless for it will vary every two or three years and the utmost reliance may be placed on the people now in the trade. In 1831, the month leading to Vikkur had 4 fathoms of water; in 1835 it had but 1½ in most places,—and, in one, but six feet, terminating in a flat.—The estuary was also quite changed.—Sea boats *can always ascend one mouth of the Indus*, and the navigators find it out without difficulty.

8. From four to five hundred sea-going boats sailed out of the port of Vikkur alone, last year. They are the common boats of western India, drawing from 9 to 12 feet of water, and which convey all the coasting trade of the country, valuable as it is.—If traders will not place reliance upon these boats, experimental vessels for the Indus must, of course, be made at their own risk.

9. In the navigation upwards, after leaving the sea, a trader will experience little or no inconvenience in a boat of the country. Let him make his agreement with the proprietor of the boat and avoid, if possible, engaging one of the vessels belonging to Ameers (of which there are about 40) and which, it seems, may be had for hire. If he does so, the agreement will be better fulfilled, since the trade in Sindé, as in Egypt will receive, but little benefit by the rulers sharing in it.—If this practice is ever carried to any great extent by the Ameers, it will be necessary to try and stop it. For the present, there are so few boats that it is best to put up with it.

10. The depth of the river is doubtless variable—in some places great, in others less; but this is very small consequence to flat bottomed vessels.—Sand banks are numerous, and would perplex an European navigator, but the native pilots have a good eye and manage to avoid them. In the Delta there are also sand banks, but the streams there are much narrower and deeper and more free from them, though I only speak comparatively. These sand banks are a marked and general feature of Indus, and seem to be formed by back water or eddies. A dry bed of the Indus shews that they rise up without regularity, but that there is always a deep channel, though sometimes intricate, through them.

In December I descended the Indus from Hydrabad and though then near its lowest, the soundings in the great river were never under 2 fathoms or eleven feet, and the boatman

did not always keep in the strength of the stream.—While in the river we never grounded, and many heaves of the lead gave 6 and 8 fathoms, but 2 and 2½ predominated. In the cold season, the Indus, in the Delta shrinks into a narrow and deep channel which disappoints a stranger who has heard of the magnitude of this river:—many of the inferior branches even dry up.

The natives attribute this to cold. The evaporation is great.—The channel of the Sata, which supplies most of the branches in the Delta, had this year, at the last sounding which I took, 8 fathoms, but less than half that gives about its usual depth. It was about 400 yards broad. This is a feature more favourable to navigation than otherwise, yet this branch must be entered by a circuitous channel, and is not accessible to boats from the sea, though in the end of September last, the water out from it was fresh in a depth of 7 fathoms, and a Cutch boat filled up its tanks from it.

12. It appears that there is much error abroad regarding the trade on the Indus. Enterprise will doubtless do much to create and improve commerce, but, for the present, it is a trade by the Indus and not on the Indus. It is, in fact, a transit trade to western and central Asia, a line however, which ought to supersede that by Sonmucance to Candahar and by Downnuggur to Pallee and Upper India. If the mercantile community hope for any increased consumption of British goods in Sindé itself, they will be disappointed; the time may come, but at present, the bulk of the people are miserably poor, and there are really no purchasers.

13. The Courts of Hydrabad and Khyrpoor however, will no doubt, take a good part of some of the investments, and both these chief and their families have already sued for a first sight of the goods that have reached Sindé. This might appear objectionable in another country and, under other circumstances, but the treaty will protect all traders, and they need not fear imposition or oppression. A few of the Beloochee chiefs have also expressed their readiness to purchase and the good work is in a state of progression.

14. To the exports, by way of the Indus, it is necessary to allude, as they have been fully spoken of, and we have now no additional particulars of a practical nature to communicate. As the price of wages is, in most, if not in all, countries, regulated by the price of grain, the effect of opening the river Indus on Bombay and Western India, ought to be most important. The immense advantages which the great body of population will derive, I leave others to estimate, but, I may affirm, that the European community ought, by it, to be able to bring down their expenses nearly to the standard of the Bengal Presidency.

ALEX. BURNES.

Sindé, 12th December, 1835.—*Bombay Courier*.

\* I shall say nothing of the kind of steamer for the Indus, farther than to express my belief that the present description of vessel is well suited. Lieut. J. Wood of the Indian Navy, is the first Officer who has ever navigated the Indus by steam, and his success merits notice, since he reached Hydrabad, without even the assistance of a local pilot. He has turned his attention to the nature of the build of the "dondoo" of Sindé with its advantages and disadvantages. If Lieutenant Wood's observations on this subject are published, they will, I think, be found useful, and prove creditable to the service.

## NOTES ON INDIAN AFFAIRS.

No. L.

## ON THE RUIN TO TRADE, CAUSED BY THE EXISTING SYSTEM OF BRITISH INDIAN CUSTOMS.

This subject has been discussed at length by Mr. Trevelyan, a second edition of whose work has lately been published. It might therefore seem superfluous to offer any observations upon it in this series of papers; but as several allusions have been made to the evils of the internal duties, and as many people will read a short article in a newspaper who would not undertake the perusal of an octavo volume, I propose to have a slight sketch of our system, and of the mode in which it operates to the injury of trade, referring such of my readers who wish for more detailed information to the work above alluded to.

The native system of Transit duties and internal customs partakes more of the nature of a toll. It is charged at so much per ox-load, poney load, camel load, cart load, &c., without reference to the value of the goods. It is generally speaking, so light, that there is no temptation to smuggle; there is no pretext for search on the part of the Custom-house officers; no pass is required; there are no forms to undergo as his bullocks or carts pass the toll house; the owner or driver pays his moderate toll and proceeds on his way, without let or hindrance. These tolls were probably payable every forty, fifty, or sixty miles; so that in reality, goods were subject to duty in proportion to the distance they were carried, which was paid by instalments as they proceeded. If the distance to which they were taken was short, the duty to which they were liable was very trifling.

The English strongly imbued with that prejudice which is so prevalent in their minds, that every native custom or system must of course be inferior to what should be introduced from England, in their wisdom condemned the native arrangement *in toto*, and resolved to devise one which should free the merchant from these vexatious tolls. We shall now see how they have accomplished it. The principle on which the English system was formed, was to take the whole duty at once, and furnish the merchant with a pass, (called rowannah) which should free him from all payment to the end of his journey. In the first place, it might have been supposed that as goods were to pay the same duty whether they were destined for a long or a short journey, at least the duty would have been fixed at the average of what was paid under the native toll system for greater and less distances; but no;—the standard fixed was the aggregate of all the tolls levied on goods proceeding to the greatest distance: thus, under the name of a consolidation, making an im-

mense increase of the duty. This was the first specimen which the merchants experienced of the superior benefits of the English Government imposing a much higher tax on their merchandize than they had ever paid before.

The next point is the pass or rowannah which the merchant procured, when he dispatched his goods, which was productive of immense annoyance. Suppose a merchant from Futtchgurh sent off a boat load of goods to Calcutta: on their arrival at that city, unless he could dispose of the whole boat load in one lot, the pass he had received at the former place was no longer of any use to him: he was obliged to carry it to the Custom-house and exchange it for others adapted to the separate portions of his cargo, which he had disposed of to different people: for this, he is charged an additional duty of half a rupee per cent., but this is trifling compared with the loss of time spent in attendance at the Custom-house, and the obstruction to the free sale, and the removal of the merchants' goods. A pass is only in force for a year: should the goods remain unsold at the expiration of that period, the merchant can procure an exchange or renewed pass; but he must give up the old pass before the expiration of the year, and prove the identity of the goods; and he then will receive his renewed pass on payment of half a rupee per cent. If he fail, he must pay the duty over again; and indeed, the difficulty of proving the identity of the goods, and the delay in the inquiry at the Custom-house and consequent loss of time to the merchant is often so great, that many of them prefer, as a less evil, at once to pay the duty over again. Should a pass be lost, a merchant can obtain another on the conditions above mentioned; but as in the former case, he very often prefers paying the duty over again, for the same reason. There are many other difficulties caused to trade by this pass system, one only of which I shall specify. In many cases, it is impossible for merchants to pay the duty and take out passes: when they are going to fairs and markets (which are often held at places fifty or even eighty miles from a Custom-house) they cannot tell before hand what quantities of goods they may purchase, or sometimes of what description; for on reaching the fair, they may find certain goods which they had not previously thought of, very cheap; and therefore may buy a considerable quantity: they leave the fair with their purchases, intending honestly to pay the duty at the next Custom-house, but unfortunately before they reach it, they must pass within the limits of one of its outposts (chokies) and ac-

cording to law, the goods are liable to confiscation for passing a chokey unprotected by a rowannah.

So much as has been described is evidently a considerable impediment in the way of trade; but let us now proceed to describe the next part of the system which is the natural attendant upon the former. That of search houses, and the right of search. To prevent smuggling, it was deemed necessary to establish an immense number of these search houses, each containing an establishment whose duty it was to compare the goods with the passes. By law, no search house (or chokey) was to be fixed at a greater distance than four miles from a Custom-house, with the exception of two Custom-houses at Agra and Meerut, to which for some reason or other, greater latitude was allowed. But in practice, the law was quite disregarded and these search houses were spread all over the country sometimes at sixty or seventy miles distant from a Custom-house. On the river Ganges, which is the main artery for the trade of the whole country, it is probable that on the average between Futteghur and Calcutta, a search house would have been found at every ten miles besides the regular Custom-houses; and we will now consider the nature of the powers vested in the officers stationed at these posts. They possessed the right of search in the fullest extent, and were supposed to ascertain the species of goods, quantity, number, and description of packages, value of the goods, &c., and that these agree with what is stated in the pass. Suppose a boat setting off from Futteghur for Calcutta were to be subject to this upon an average at every ten miles: to do it properly, the boat must be unladen, and the packages opened. It is evident that the delay and expense to the merchant would be so great, that were the law fairly enforced by every search officer, it would put an entire stop to the trade of the country.

The result is, that the right of search is only held out by the Custom-house officers as a means of extorting a douceur, and is only enforced should a merchant be foolish enough to refuse the fee, but this rarely or never happens. The same demand is made and paid at every chokey within the whole distance, which the goods are destined to travel. Is not such a system enough to annihilate all trade? and it would have done so ere this, but for the tact of these Custom-house officers, who have just contrived to stop short at the endurable point. Nor is it only merchants' boats and goods, which are subject to these extortions; they fall more heavily upon mere travellers, especially pilgrims to holy places, or those who have their families with them. The latter have usually a separate apartment in the boat; the search officers threaten to enter, on the pretext, that they have reason to suspect, that goods are concealed. Pilgrims have usually some particular day on which they wish to reach the holy place to which they are bound, consequently the threat of delaying their boats, is sure to extort a con-

siderable douceur. It is probable, that in proportion to their numbers, the sums exacted from travellers are greater than those realized on merchants' goods. I believe of late a modification has been introduced: the chokey officers have not I think now the power of search; but many detain the boat and report to the Custom-house if they suspect that the goods do not agree with the list inserted in the pass, or that they contain smuggled goods. This, however answers their purpose of extorting money, just as well as the power of search. A boat proceeding to Calcutta after some thirty, or forty miles below Kanpoor, is stopped by a Custom-house officer, and a fee demanded: supposing it be resisted, the officer immediately expresses the suspicions above mentioned, and says he must detain the boat until he has reported the circumstance to the Collector of Customs.\* The dispatch of the report, and receipt of orders thereupon, would take three or four days; and the Collector's order would, of course be, to send the boat to Kanpoor for examination: to go the above distance against the stream, would occupy about four or five days; and a week more would elapse during the examination of the boat, and getting it cleared through the Custom-house. It would require a day and half to reach the chokey, where it had been originally stopped; thus making a delay of above eighteen days, to say nothing of the fees, legal and illegal, which he must have paid at the Custom-house, and the additional expenses of the delay, which taken altogether would be far more than the douceur demanded by the search officer. It is obvious, therefore, that the merchants would never think of resisting the demand.

The same system of extortion exists upon all goods conveyed by land carriage, when it comes within the limits of any of the Custom-house chokies.

It has often been asked, why do not those who are subject to such extortions bring forward their complaints? simply because they would lose rather than gain. They would find it impossible to obtain any redress, or only at such an expense, and delay, that the remedy would be worse than the disease. If they could really obtain redress, they would be ready enough to seek it. But I will enter a little into detail.

To take the average of distances, we will suppose, that a man has only to travel about forty miles to the Collector of Customs; and that, too, in the opposite direction to which he is bound: this would take him two or three days, as much more would elapse before he can get his petition brought to the notice of the Collector: then would come his examination, and perhaps an order to summons the chokey officers; but before these men can leave their station substitutes must be appointed, so that it would probably be a week or ten days before they arrived at the office: the

\* On the average from one half the chokies, the boat would be taken to the custom house in the opposite, from the other half in the same direction in which it was proceeding.

native clerks and others attached to the office, of course make common cause with the chokey people; who, as naturally deny the whole, asserting it to be a false complaint, because they were rather strict in doing their duty, in comparing the goods with the pass, &c. &c. Then must witnesses be summoned on either side: another week's delay! till at last the Collector, who is usually some stupid being, unfit for any other situation, or the Collector of the Revenue for that district, (who having no time to attend to Custom-house business himself, leaves it to one of his junior assistants), declares he can make nothing of the case; discharges the parties, and consigns the papers to the Record Office: and thus after a delay of from three to four weeks, and a considerable expense, the merchant would not have gained any thing. But suppose he did prove his case, and caused the dismissal of several of the search officers, he would only gain a loss: it would not restore him the money that had been extorted from him, or the expenses of his prosecution.

Besides, he and all the merchants on the route, would ultimately be much greater sufferers; because, out of revenge the chokey officers would strictly enforce the right of search, where that was allowed, or detain the boats for report to the Collector in other instances. It should also be recollected, that the merchant is a gainer by paying the *douceur*: it is not as is were a downright extortion without rhyme or reason. The legal power with which these Custom-house officers are invested is so extraordinary, that the utter annihilation of the whole trade of the country would be the result of enforcing it: the merchants merely pay to prevent the law from being executed, and to enable them to carry on a small trade, crippled most wretchedly, by the heavy duties which in one shape or other, lawful or unlawful, fall upon it. Travellers and pilgrims seem in proportion to their numbers to be subject to much more extortion than the merchants. The following is an extract from a letter from the Collector of Customs at Meerut, date 15th December, 1832:—"The oppressions which persons unconnected with trade suffer, surpasses belief: not an individual can pass a chokey without being subjected to every kind of annoyance which the ingenuity of these authorized plunderers can devise to enable them to extort money. Travellers are detained for hours, even days; the privacy of their females is intruded upon or threatened; and this merely with the view of compelling them to satisfy the rapacity of these harpies. Could Government in any way relieve the country from this evil, there is no doubt that they would be conferring the greatest possible boon on the native population." Here is a picture, and a true one, of what is daily occurring at every chokey in the British provinces, whose numbers, before they were lately reduced, were probably not less than two or three hundred.

The description of natives employed in the Customs department, with some other facts

and circumstances will, in some measure, show the enormous extent to which extortion must be carried by those officers. The writer who is in charge of chokey receives seven rupees per month: his qualification must be a good knowledge of Persian: he has to find his own stationery, which will, probably, cost two and a half rupees monthly; leaving him four and a half to subsist upon. He is obliged also to give security for his good behaviour to the amount of four or five hundred rupees. There are other situations called *Aumeen-ships* whose pay is twelve rupees monthly, which are much on the same footing as those of the chokey writers: while the common runners, or *peons* as they are called, receive four rupees per month, and I believe in some instances less. It has been a general feature of the British Indian Government, that while they bestow liberal salaries on the European functionaries with a view of securing the services of able and honest men, the pay of most of the situations open to natives is insufficient for a decent subsistence. This principle has been carried to a higher pitch in the Custom-house department than in any other; yet this is perhaps the one in which the temptation to extortion and dishonesty is greatest, while the chance of detection and punishment is least. It is in short the Custom line in which most is to be made with least risk; which is sufficiently proved by well known facts. Were there nothing else but the authorized emoluments of the situations above mentioned, it is obvious that it would be almost impossible to find any one to accept them; yet so far from the existence of any difficulty on this head, large sums are paid to those who have or who are supposed to have interest with the Collector, to procure these appointments. From two to three hundred rupees are given for an *Aumeen-ship* of a hundred and fifty for a chokey writership; (which calculating only the net receipts of these officers, is equal to about three years salary;) forty to sixty rupees are paid for the *peons* situation, of which the pay is four rupees a month. Domestic servants whose wages are from eight to twenty-five rupees a month will willingly resign them and accept a Customs *peon's* place.

The natural and unavoidable consequence is that every feeling of honesty or morality is thrown aside when a man enters the customs line. In other departments, Judicial, Revenue, and even Police, honest native officers have been found, notwithstanding the British Indian system (which seems as if it were devised with the view of offering every temptation to natives in authority to be dishonest;) and probably more have existed than are known to us; but in the Customs such a thing as an honest man never I believe was known. Those employed, enter it with the express and sole intention of making as much as they can for themselves. It is consequently considered by the people as a disreputable service into which none but a professed rogue would enter; and it would be difficult, under the present system to persuade any man who had the slightest sense of ho-

nesty or morality, or the least regard for his character, to accept any appointment in the customs department.

The intricacy of the law regarding seizures, fines, and confiscations of goods, is such, that all sorts of opposite decisions have at various times been given in precisely similar cases, both by the Collectors and the Board of Customs. But to enter into detail would exceed my limits. Those interested in the subject may consult Mr. Trevelyan's book.

We hear loud complaints of the impoverishment of the people; the falling off of the internal trade, and the decline instead of the increase of manufactures. Is it to be wondered at? Could any other result be anticipated from the intolerable vexation to which all merchants are exposed by our internal customs. Mr. Trevelyan observes "that the profession of merchant in the interior of the country, is both unpleasant and disreputable, on account of the complete state of dependence in which the most respectable people are placed on the meanest Custom-house officer." "When respectable people in the provinces, who have capital lying idle in their hands, and who probably complain of the difficulty of finding employment for it, are asked why they do not engage in trade, they almost invariably reply, that they cannot submit to supplicate every low peon on four rupees a month, who has the power of detaining their goods under pretence of searching them." People, too, of small capital have been almost entirely driven off the field, which is left to those who are able to keep up a good understanding with the native Custom-house officers, both at head-quarters and at the outposts; and who can make up their minds to submit to constant insults and annoyances. At one time, some British merchants of Calcutta embarked in the inland trade; but the detention of their boats, and reference to the different Custom-houses was so frequent, that this part of their business took up more time than all the rest. They sometimes had several boats crews at once waiting at their doors, and their boats were occasionally delayed so long at places a hundred or more miles from Calcutta, that the boatmen were forced to return to that city to procure the means of subsistence. They were reduced in despair to abandon the attempt. Native gentlemen at Delhi have for the sake of employing their capital, engaged in the shawl trade with Benares. The result has always been the detention of their goods at some Custom-house, and their giving up the pursuit after suffering heavy losses. The poor natives of India submit to all this, as they do to every other extortion and oppression which they suffer at our hands, because they look upon redress as hopeless; but hear the bitter complaints which were made to Lieutenant Burnes, who knew nothing of our Custom-house system, by the merchants of Bokhara. They actually declared that the vexations, annoyances, and extortion practised on merchants in the British Indian provinces, were

infinitely greater than they experienced in Russia, Peshawar, Kabool, or Bokhara! One merchant declared that for one cart, in which he was travelling without goods, between Hurdwar and Benares, he was obliged to pay in small sums, altogether to an amount of eighteen rupees.

The effect of this system upon manufactures, is to discourage all in a large scale, and to cause the whole of different processes to be performed in a petty way on the same spot, however inferior those employed may be for some parts of the work, and however unsuited the locality may be. Where business is carried on a large scale, the materials must of course often be brought in small quantities from a considerable distance, so that the great manufacturer has to pay a double duty, once on the raw material, and again on the finished article: while the small manufacturer and dealer who goes not beyond the line of chokies either to procure the raw material, or to sell his goods, avoids the payment of all duty. Shawls are by an extraordinary system made to pay a double duty, both together amounting to 20 per cent: leather pays three times, altogether 15 per cent: cotton four times, before it is made into cloth 17½ per cent. So many articles are liable to double and treble duty, because the same pass which has been taken out for the raw material does not correspond with the manufactured article. Raw cotton must be made into yarn; the yarn woven into cloth; and the cloth dyed; all within the same locality, lest the duty on passing a chokey be incurred! so that the advantages of the different capabilities of various places, in regard to the skill of the people or the circumstances of their natural situation are completely thrown away. In the same places the people are famous for dying cloth of particular colours: could business follow its natural course, the cloth of the whole neighbourhood would be taken there to be dyed; but owing to these Custom-house duties and search houses, the people are content to dye it in an inferior manner and at an increased price, at the place where it was made. In some places, a poor shoemaker, living in a Cantonment, who goes to the neighbouring town to buy a hide, must carry it three miles to the Custom-house, to pay a duty of two annas (four pence) before he can carry it home.

Let us now consider the effects of the town duties, which are in fact much the same as the internal customs. These are duties paid on certain articles on entering certain towns. Only eight articles are taxable, viz. salt, sugar of every description, tobacco, ghee, (clarified butter) betelnut, turmeric, oil and oil seeds, and pulse. But unfortunately the right of search, or detention and report in order to ascertain what the loads of the cattle or carts really contain, is here given, which causes the chief evil. Another evil effect these duties have had is to drive away trade and manufactures from the towns in which they are imposed to other marts. It was probably intended that the duty should be levied on what was brought for consumption in the town; but

it being impossible to distinguish between the two, the duty is levied indiscriminately on all that enters the town. The consequence is, that no more of these articles are brought into the towns but what is intended for consumption; the merchants who deal in them wholesale for exportation, are obliged to establish marts and warehouses outside the line of chokies, where they deposit their goods until it be convenient to dispatch them to their destination.

Thus Bowance, Shamlee, Bherce, Bewaree, and Shahderah have grown up around Delhi to be flourishing places, while little general trade is carried on in Dehli itself. At a short distance from Allahabad, Mirzapoor, Farrukabad, and other towns, marts have been established for the deposit of goods in order to avoid paying the duty if brought into the towns.

The evil effect on manufactures are equally apparent; large towns are naturally the seats of manufactures, but the result of these town duty imposts is to drive them out of the towns; thus, if an oil-mill or sugar-mill were established in the town the proprietor would have to pay five per cent on his raw material, which he would avoid, were his manufactory erected outside.

Enough has been said to prove the immense injury caused to trade and manufactures by the existing system of internal custom and town duties. It is not so much the amount which is levied, partially as it often falls on certain people;—if this were all, those would not be so much to complain of; but it is the vexation and extortion inflicted both on merchants and travellers, by the chokies with their right of search and detention, that produce the evil. The demoralizing effects upon the people, by the roguery, bribery, perjury, and smuggling to which the system gives rise, is also a most lamentable consideration.

What then is the remedy? It is truly observed that every country must have a Government, and every Government a revenue to enable it to perform its functions; but I am convinced that a similar sum, or nearly so, might be raised by a much better system than that of the present internal customs and town duties. Mr. Trevelyan objects to the latter altogether, and with regard to the former, he proposes the taking a duty once for all, upon goods on their entrance into the British territory, without all the machinery of passes and rowannahs, after which that they should pass free over its whole extent; and that the whole of the internal Custom-houses and their dependant chokies should be abolished. He adduces too, pretty strong evidence to establish the position that the net revenue derived from this source would fully equal that now realized; but I have neither time nor space to enter into the detail.

Should Government not be willing to adopt his views, I can suggest an infinitely better system than that which now exists; and that is simply to revert to the old native system of frequent moderate toll. Let there be a regu-

lar rate of so much a maund on every laden boat which passes either up or down the Ganges and Jumna, (which are the two great arteries of all our internal trade,) without reference to the description of goods with which the boat is laden. This toll might be taken at Agra, Futtehghurh, Khanpoor, Kalpee, Allahabad, Benares, Patna, and so on, at every hundred miles or so down the river to Calcutta. At each station the only establishment required would be a collector, a treasurer to keep the receipts and accounts; one, two, or more appraisers, together with in some places one, in others two, or even three, small plain row-boats, each managed by three men,—a steersman and two rowers: a regular scale must be laid down by measuring the length, breadth, and depth of the boat, to determine the number of maunds it contains, which should be done by the appraisers or measurers. Should the boat stop at the station, it should be immediately measured and the toll taken: should the boat pass without stopping, one of the appraisers should go off in the light row-boat, measure the boat without delaying it, receive the toll, and return. As the toll would only be taken immediately under the residence of the collector, should any extortion be attempted, the people would be very ready to prefer a complaint, when if the collector performed his duty and entered into an immediate investigation, it would not occasion a delay of above two or three hours. This system might be adopted on some of the high roads, or at some of the ferries, with this proviso, that no place for the collection of toll should be established, except under the immediate superintendence of an European Officer, whose chief duty would be to prevent abuses.

So with the town duties. Instead of a tax on only a certain number of articles, and in a few particular towns, let a trifling toll be levied in all considerable towns on all laden cattle and carts which enter the town without reference to the articles conveyed: so much per ass-load, poney-load, bullock-load, buffalo, or camel-load; so much for a cart with two bullocks; with three, four, &c. It would be expedient to exclude firing, fodder for cattle, earth for repairing houses or roofs, and some few articles, which as they are never carried in closed packages, could be perceived at once without any mistake: the owner or driver would pay his toll as he passed the receiving station, and proceed without any annoyance.

The expense of collection could be infinitely less than it is; only fix the toll at a very moderate rate, and there would be no temptation to smuggle, so that the whole of the net revenue would probably be as great as it is now. The vexation and extortion of the chokies, with their right of search and detention would be abolished: the demoralization of the people by the roguery, bribery, perjury, and smuggling which results from the existing plan would be annihilated; and although what is suggested be a native system, it would be a hundred times less annoying to the people of all classes, and infinitely better in every

respect than that which has been introduced by the enlightened British Government. Moreover, I am convinced that the stimulus which would be given to trade and manufactures by the change of system, would in a few years produce a considerable increase in the revenue.

#### A FRIEND TO INDIA.

July 1, 1835.

P. S.—I cannot help again alluding to two points which have before been mentioned, in order to enable those who are little in the habit of thinking on these subjects, to understand matters in their proper light. We have for years been vaunting the splendid triumph of English skill and capital in carrying cotton from India to England, and after manufacturing it there bringing the cloth to India and underselling the natives. Is this any way surprising under such an intolerable system as is above described, and while the staples of India are almost proscribed at home? In fact if this be continued much longer, India will ere long produce nothing but food, just sufficient for the population; a few coarse earthenware pots to cook it in, and a few coarse cloths. Only remove this incumbus and the tables will very soon be turned. The other is the great self complacency with which we talk of the confidence reposed by the people in our Government judging from the large sums which

they invest in the Government funds. What are they to do with their money? Englishmen having been hitherto prohibited from settling in the country, there was no one in the permanently settled provinces to show the example of the benefit of improved system of agriculture, and of laying out a little capital in the land. From Benares upwards, landed tenures have by mismanagement and ignorance been brought to such a pitch of confusion, that until some alteration takes place, no man in his senses would think of embarking any capital in land in those provinces. Government in their ignorance have done all they can to annihilate trade and manufactures which they will, unless they change their measures, accomplish in a few years more. The number of boat laden with goods which used to leave Furrakabad twelve or fourteen years ago was at least *treble* what it is at present. Five or even four per cent. is better than nothing: but it needs not the gift of prophecy to foresee that if a few English agriculturists of skill and capital were to settle in parts of India; if the landed tenures in the North Western provinces were placed on a footing of security, and if trade and manufactures were tolerated, (they do not require *encouragement*, but only to be exonerated from the present customs and duties;) not only would Government be unable to borrow at such low interest, but the price of the existing funds would speedily fall.

#### No. LI.

#### CHARACTER OF THE PEOPLE,—INGRATITUDE OF DOMESTIC SERVANTS.

The charge of ingratitude is almost universally brought against the people of India; but it is one which on impartial enquiry will be found more difficult to substantiate by fact and argument than any of the numerous accusations by which they have been assailed; and I have heard it more than once pithily answered by the query "what have they to be grateful for to the English?" Before however entering into the subject, I will endeavor to define what is meant by the term "*gratitude*," and distinguish the different ideas which are attached to it. Gratitude in its largest and most comprehensive signification, I understand to be a strong sense of thankfulness for any favor or benefit received and an anxious desire to be able to render some benefit or service in return. "Of this, I fear, there is very little to be met with in the world, and, generally speaking, it has no existence among any people or nation, although insulated instances are now and then displayed by individuals, in all countries and societies. The surest way to avoid disappointment is not to form unreasonable expectations; and there is probably none so unreasonable as to expect gratitude for any favor or benefit conferred. The satisfaction of our own conscience, and the reflection that we have been the means of doing good to a fellow creature,

should be a sufficient recompense, and if we do meet with gratitude in return, let us look upon it as so much gained.

But there is another and an inferior species of gratitude which is exhibited in various minor ways. A servant, for instance, who has lived a long time with his master will submit to considerable inconvenience in crossing a difficult part of the country at a long distance from home and from his family which he has no prospect of visiting for many years; others will contentedly remain several months in arrears of pay; another who has obtained leave of absence for some months, whose home is three or four hundred or a thousand miles distant from his master's residence, will at his own expense return to his own situation, although he could have procured an equally good service on the spot. On the other hand the master will advance the servant a sum of money for a marriage in his family, to be repaid by monthly instalments; and would pay more attention to him when sick—than he would to a new servant:—many other instances of this nature will easily suggest themselves to my readers; but gratitude is perhaps too high a name for it. It is a kindly feeling, arising from a sense of reciprocal benefit, and mutual dependance upon each other; to which may be added the influence



of *Aabit*, in Master and servant being accustomed to each others ways; and this, if it be allowed the name gratitude, is infinitely stronger among the natives of India than it is among the English.

Some persons entertain a notion that they are entitled to the gratitude of a servant, simply because they have retained him for several years; or to that of a tradesman, because they have dealt with him for a considerable time. But unless any peculiar favors have been received at either hand, out of the common way, I cannot see that such expectations have any reasonable ground. The accomodation has been mutual; the master kept the servant because he performed his duty to the satisfaction of the former, and the servant remained in his place because he found it suited him:—and the servant has as much right to expect the gratitude of his master as the reverse.

But the universal outcry which is raised by the English against the ingratitude of the natives reminds us very much of the apposite remarks of Byron on the same accusation brought against the Greeks—"they are ungrateful; notoriously, abominably ungrateful! This is the general cry—now, in the name of Nemesis, for what are they to be grateful? Where is the human being that ever conferred a benefit on Greek or Greeks? They are to be grateful to the Turks for their fetters, and to the Franks for their broken promises and lying counsels; they are to be grateful to the artist who engraves their ruins, and to the antiquary who carries them away; to the traveller, whose janisary flogs them; and to the scribbler whose journal abuses them. This is the amount of their obligation to foreigners"—so we may ask with regard to the natives of India—Are they to be grateful to the British Government, which by a succession of force and fraud has obtained a large portion of territory, and has inflicted on them a Government which they detest? Are they to be grateful to us for having deteriorated the landed interest and reduced almost every individual of respectability connected with it to penury? For having daily taunted them with the utter corruption, dishonesty, and inefficiency of the native character, and for the discharge from office of every one connected with it on our acquisition of the respective provinces, as well as their subsequent exclusion from all situations of trust and honor? For having established a system of mis-called justice of which the civil department was a nonentity, and of no benefit to any but the dishonest; while the Police was in such a state that even the Government was obliged to pronounce that "to the people of India there was no protection, of person or property." Are they to be grateful to us for having taxed them in every possible way to an extent far beyond what they had ever paid before, so that almost all landholders in the unsettled provinces have been reduced to a happy equality of poverty? Are they to be grateful to us for having nearly annihilated all internal trade and manufactures by a system of internal duties, prescribed by ignorance

and cupidity, and unparalleled in any country in the world? Are they to be grateful to us in having by absurd laws and the appointment of a succession of young men as Collectors, or even Judges, who were totally ignorant of the customs of the people, reduced the landed tenures of the Upper Provinces to such a state of confusion that it is almost impossible to make a title to a single yard, and that land is almost the last security which a man who advances money will take? Are they to be grateful to us for our purveyance system? These are I think about the sum of their obligations to the British Government. For the treatment which, generally speaking, they receive from individuals, I beg to refer to No. 4 of these papers, "on the behaviour of the English towards the natives." After reading that, my readers will be able to judge how much reason the natives have, on the whole, to be grateful to the English as individuals.

The truth of the above description is undeniable, but it is indeed delightful to perceive that during the last two or three years, a more kindly and benevolent disposition towards the people of India has begun to manifest itself among the English, both individually and on the part of Government. May I be allowed to indulge the thought that the frequent appeals to the better feelings of my countrymen which these papers and others to which they gave rise have made, may have had some share in producing this change. Still, however, in speaking of the gratitude or ingratitude of the natives of India, we are apt to form our judgment on a completely false standard. All our notions are derived from the intercourse between the natives and ourselves, whereas our opinion ought to be formed from their behaviour towards their own native chiefs and masters.

Let us consider our position in this country: the little grounds which exist for any community of feeling; the hardships and annoyances which the natives are often obliged to undergo in our service; the almost certainty of the service not being permanent; and the great chance of its being of very short duration; and we shall then be better able to judge on the subject. Every native knows that it is the object of every Englishman to return home as soon as he has acquired a competence to enable him to do so: that if taken seriously ill, a voyage to sea, or perhaps to England, is the first thing thought of; and that almost every one of us, so far from being a member of a family, is, as it were, an unconnected and insulated individual, who at his death leaves no trace behind; since his widow and children, if he have any, immediately return to England. For either of these cases, an Englishman's establishment is entirely broken up; his property sold off; and his servants, after receiving their wages, are turned adrift. It is these circumstances, and not our foreign extraction, and difference of faith and complexion, that causes the natives of India to exhibit such an indifference to us and to our service. I have often known servants obtain two or three months leave from their masters



at Cawnpore to visit their families, perhaps at Benares or Patna; who never returned to their old services. The fact was, opportunities of service offered themselves on the spot, and they preferred taking advantage of them, instead of going such a distance; though it was a probability (in some cases a certainty) that they would ere long have to move with their new masters to a long distance from their homes. Had these been asked why they did not rejoin their old masters, they would probably have replied as I have heard before now a native do in similar circumstances, "An Englishman's service is so precarious that I thought it a hardship to travel so many hundred miles, and perhaps find my master dead or going on sick leave, or gone, in consequence of orders to some stations three or four hundred miles further off;" on the other hand, I have known some instances of a contrary nature well worth recording, to which I shall allude presently.

But as before observed, it is not only from the conduct of the natives towards ourselves that we should judge of their grateful or ungrateful feelings whether of the greater or inferior descriptions; we must look at their reciprocal behaviour to each other; we should visit the families of the native chiefs and nobles who have occupied the same residence for many years, and who have old hereditary servants, whose fathers and grand fathers have served the ancestors of the present chiefs for many generations. Here we shall find as much devotion and respect among the attendants and menials towards all the members of the family as much pride in making every thing appear to the best advantage, and as much identification of their interest with that of their masters as was to be seen among the old hereditary families in England; Scotland, or Ireland even in the feudal times: and if those who have been led by curiosity or intelligence to visit the (alas! they are almost all which now exist) ruins of palaces and mansions of decayed greatness in this country would inquire among the few aged and decrepid beings who usually surround them, the history of their former inhabitants, they would usually find that they were old dependants of the family, lingering like withered leaves about the fallen tree, and perhaps subsisting on the pension of which the ruin of their masters had not deprived them.

In the history of India we may find abundant instances of the most devoted attachment shown by servants to their masters in times of peril: of masters attended by their servants for months, in situations where the latter could hardly procure food to eat; and even of men sacrificing their lives to save a master to whom they were attached. These were the consequences of permanent and hereditary connection between people who were residents of the land: on the other hand, at the houses of the chiefs, old worn out servants may still be seen, quietly ending their days under their masters' protection and maintained by his bounty.

Now can any such feelings be expected to exist between the English and their native attendants so long as our sojourn in this country is upon its present footing? Had the English become permanent settlers in India, they would have found as much attachment on the part of their native servants as is experienced by the native chiefs. When one of the young men joined the Army, or was appointed to a civil employment, he would be attended by some of the old family servants: we should seldom hear complaints of any ill behaviour or of servants running away, and leaving their masters in the lurch. If they were detained from home for a long period without the youths' being able to obtain leave to visit his family, they would be relieved by others of the family servants: and after visiting their houses, would again return to their duty. Nevertheless, despite of the unfavorable position in which we are placed for obtaining the attachment of the people, there are some splendid instances of devotion on the part of native servants and attendants towards their European masters, when the latter have deserved their regard; while on the other hand I am rejoiced to hear my testimony in favor of the kind return made by these to their faithful domestics; not only providing for them during their residence in this country, but ensuring the regular payment of the pension after their return to England.

The servants of Mr. Forbes, of Bombay, allowed themselves to be cut up and wounded in the most cruel way, when they might have saved themselves by telling the simple truth that their master of whom the banditti were in search was not far behind, whereas to save him, and mislead the miscreants, they persisted in asserting that he was a day's journey ahead, quite out of their reach; which completely succeeded, the robbers leaving the high road and returning to their homes. About three years ago a man with a drawn sword rushed into the office of the Magistrate at Futtehghur, with the intention of attacking him, when the Nazir of the court, grappled with him, and although severely wounded secured the scoundrel without assistance. How often have native soldiers sacrificed themselves to save the lives of officers to whom they were attached. The late instance of the chuprasie (Luchman) at Jeypore is fresh in every one's memory. In short the instances that might be collected would fill a volume, not to speak of the inferior (though to the individual for the time being scarcely less valuable) instances of devoted attention and sympathy which are so constantly exhibited by natives to Europeans in sickness and sorrow, and of which I believe there is scarcely a European in the country, however undeserving, who has not had some experience, however indisposed he may feel to acknowledge it. All this is so much additional proof that our foreign extraction, and difference in colour, creed, and customs, is no impediment whatever to our obtaining the respect and esteem of the people, provided we behave so as to merit it.

## NOTES ON INDIAN AFFAIRS.

Nor are examples wanting of gratitude, although of a less striking nature. A native who obtained his livelihood by letting out three or four camels for hire, once went to an officer of the 24th Dragoons, and stated that he had been unable to procure any employment for them for so long that he could not avoid getting in debt; and that unless assisted, he should be obliged to sell one of his camels. The officer lent him, I think, thirty rupees. Not long after his camels were hired, and he was enabled to repay the money: but afterwards, if ever he received an offer to engage his camels, as long as that officer remained at the station, he invariably before he accepted it went to ask him if he were in want of carriage, observing that he was of course entitled to the preference. A native was arrested for debt, due to a merchant and indigo planter, by process issued by the latter's agent who remained usually about the district Court to superintend his legal business. As the debtor resided at a considerable distance from the Court, close to the merchant's house, he begged in the first instance to be taken to the merchant, to whom he said, "It is true, I have owed you this money for a long time and have behaved very ill in not paying it: you have me in your power now; do not disgrace me by sending me to jail, and I will pay you in a short time: only trust me this once, and you shall have no reason to repent it. The merchant took pity on him and procured his release. The debtor faithfully paid the money, and though this transaction occurred some years ago, the man would at any time do any thing for this merchant, and when the latter is riding out, if the man catches sight of him at a distance, he will run up, merely to make his salaam.

On the whole, I should say, that the comparison on this head between the lower orders of English and the natives of India was in favor of the latter, and that they have more of real gratitude in their nature, as well as of the inferior quality above described, at least I have experienced and witnessed a good deal of it myself in India; whereas in England the upper classes seem to condemn the common people, almost *in toto*, as not having a spark of the feeling. The universal complaint is, that do what you will, you can rarely produce any sentiment of gratitude or even thankfulness: whatever you give them, whatever you do for them they look upon as a right—"You are well off in the world, therefore we have a right to expect assistance from you" is the only idea which they seem to entertain. Such at least is the invariable complaint of all the gentry who attempt to ameliorate the condition of the poor around them, though of course, exceptions are to be met with there as elsewhere. A few observations in conclusion on the character of native servants will still further illustrate the subject.

Most young men on first arrival in India, and many during the whole of their residence, complain bitterly of the native servants, of their roguery, inattention, and I know not how

many bad qualities, and are constantly drawing comparisons between them and the servants in England. Now, in the first place, those civil and military officers who have never been at home since their first arrival in India, with the exception perhaps of one in a hundred, are totally incapable of forming an opinion of English servants. They leave England so young that they have never had any controul over servants; all they had to do with them was to have their coat brushed and their shoes cleaned and to be waited on at table. Of all the difficulties and annoyances connected with the internal management of the family attendants, they neither knew nor understood any thing; all this fell on the parents or heads of the family. On the other hand, on their first landing in India, they are surrounded by a set of scamps who are known by the cant name Rum Johnnies: (corruption of the Moosulman name Rumzance, which is commonly given to boys born during the Rumzan<sup>2</sup> or lent) these men are convenient, for they all speak English—they only attend on new comers during the few days or weeks they may remain in Calcutta, when they take their leave. Few of them would take settled service in a family, and no respectable persons who had been any time in India would knowingly engage one of them. About the Writers' Buildings, there are a regular set of these attendants, forming part of the fraternity of these Rum Johnnies, who serve the Writers as long as they remain in the buildings; but the greater number depart as soon as the young civilian is out of the College, particularly if he be going to leave Calcutta, although at a station of only a few miles distance. These men, what with the perquisites of the old English and ship-clothes and the sums they contrive to make by being employed in buying various articles, generally contrive during the short period of their service, to realize some three or four times the amount of their pay, which on taking their discharge, they spend in riot and debauchery until they are fortunate enough to meet with another novice.

For some years Government have appointed an officer to take charge of the young cadets, procure them servants, and such articles of furniture and other necessaries as are required for their journey to the interior; but in reality, the business is chiefly left to a native clerk, and the description of servants furnished to the young men is not much better than formerly. Nevertheless, all circumstances considered, I believe the establishment of this officer has been a considerable advantage to them. The young writers are as badly off as they were before. Only imagine a Frenchman who knew not a word of English landing at the London docks, and engaging one or two servants of the above description who had never been in any reputable establishment, but who had been hired for a month at a time by different sea Captains and passengers, cheating each as much as they possibly could.

\* Rumzan, better known in England by the corruption Rhamadan. Where they got the h I do not know: the other mistake is easily explained. In Persian the same letter which without a dot is a d, with a dot over it is a hars h z.

I do not think the Frenchman would be likely to form a very favorable opinion of the English in the capacity of servants.

Again, while the masters are constantly complaining of the servants, they seem quite to forget, that to be well served, certain qualifications on the part of the masters are indispensable in all situations of life. Temper, discretion, and the science of government and discipline form the chief: to which must be added some knowledge of the people and the ability to speak the language understood by the servants like a gentleman. In his own country every man learns this naturally, in a foreign country it must be acquired at whatever cost, if a man wish to be well served. My readers may think I lay too much stress on this point, but it is impossible to inculcate it too often. No native servant can ever believe a foreigner whom he knows to have resided several years in the country to be a gentleman, nor will he really respect him unless he speak Hindoostanee as one of their own native gentry would do. There is nothing extraordinary in this; it is perfectly consonant to our own feelings. Suppose a Frenchman even though attended with the external marks of fortune were introduced to us who spoke the language, used by our lowest servants—"I came up to Lunnon two days ago."—"Hand us over that ere plate," &c. &c.—even should he have brought credentials to establish his respectability, we should immediately conclude him to be a man of low birth and education who could never have mixed with gentlemen, but who had acquired a fortune by some accident. If the Frenchman who had been some years in England could not speak English at all, he might pass for a gentleman if his conduct and manners were observed to be correct although we might wonder at his stupidity. So with the natives. If an Englishman is wholly ignorant of the language, they are ready to believe he may be a gentleman, if told so, putting him down for a new arrival; but if he speak vulgar Hindoostanee fluently, but is ignorant of the style in use among the native gentry, the people will never believe him to be a gentleman. It is also a curious fact, worth noticing, that generally speaking, the better an Englishman can speak Hindoostanee, the more respectable will his attendants be. The reason is this. A foreigner who can speak Hindoostanee like a native gentleman is supposed to have mixed with the native nobility and gentry; to have consequently observed their habits, among whom beating or abusing servants is looked upon with great disgust, as something excessively low; and is supposed to have adopted the tone of the upper-classes in managing his servants. Consequently many natives of a much more respectable class than usual will enter the service of one who is believed to have the above qualifications, while nothing would induce them to go near one of the jargon-speaking Englishman. So also ladies, who are mild and gentle in their manners to their female servants, and who preserve the habits which are equally characteristic of gentlewomen in England and in India, of delicacy and seclu-

sion while in their own apartments, will find themselves treated with even more respect here than at home; and would they condescend to adopt a little of the habits and language of the upper classes of the female society in this country, instead of the disreputable class of women by whom they are usually attended, they would after a few years' residence in the country, have little or no difficulty in engaging women of respectable character, who would perform all those services for them which to the infinite degradation of the English female character in India are now usually performed by men.\* A fixed residence has also a considerable effect in procuring a better class of people for servants. Were I to arrange the English population into classes, according to the respectability of their attendants, I should certainly place the indigo planters and merchants first, (I mean in the Upper Provinces, I am told the Bengal planters are a very different style of people:) secondly, the Civilians, about one-third of whose servants may be respectable, and the rest of very indifferent character: third, the Company's Military Servants, one-fifth of whose servants may be respectable, and the remainder of very bad character; and, fourthly, the King's Officers, whose servants are, with few exceptions, the very scum of the country; regular English-speaking *Rum Johnnies* who hang about the same regiment, and will rarely leave it. Yet, notwithstanding that so large a proportion of our servants are all of so low a description and of such doubtful and disreputable characters, they give infinitely less annoyance to their masters than any foreigners would receive in England from servants of the same stamp. On marching, they will wait day after day for several hours after the usual time of taking their meal, while they are working hard to make their masters comfortable. Very few English servants would bear this even for two or three days: indeed in travelling, if the servants are not as well fed and as well off in their way as their masters, they are always grumbling and discontented and in almost all instances receive higher wages and other advantages to compensate for the little inconveniences to which they may be exposed.

But besides the knowledge of the language and customs of the people, the other qualifications of temper, and the art of government and discipline are equally necessary. Captain Hall has made some excellent remarks on this subject regarding naval discipline; and describes the same crew which under one Captain was always in disorder, notwithstanding constant floggings and other punishments, under another in the best order possible, while not one punishment occurred during five or six months. The principle is precisely the same, although the object may be

\* Allusion was made in No. 4 to this indecent custom which the majority of English ladies have adopted of allowing their men-servants of all descriptions to be constantly coming into their bed rooms. That there is not the slightest necessity for it, which is the excuse offered by some, is provided by the fact that many ladies are decent enough to prohibit it: in whose houses all the work necessary, inside the room, is performed by the ayahs. Such ladies are respected accordingly; I will not say in broad terms in what light the others are looked upon by the people.

of minor consequence in the government of servants. With attendants of the same description and disposition, you will see one master who is constantly abusing or beating his servants, and can never get his household into any thing like order; while the establishment of his neighbour is in the most perfect discipline: yet the master seldom speaks a harsh word to his servants, and probably the highest penalty ever inflicted is a fine of a few pice. The following instance is of occurrence not uncommon. A man whose servants were all in excellent order was about to return to England. Of course his servants were paid up and discharged. A friend of his who had as he said very bad servants, dismissed them all, and engaged the others in his service. But after a short time, he was not a bit better served than before, the new servants soon became as careless as those he had discharged: simply because he had not the art of managing them.

Some people are always complaining that they cannot get good servants: but the fault is chiefly in themselves, and in their ignorance of the art of discipline and authority; on the other hand I do not hesitate to say, that wherever a man possesses these indispensable qualifications for conducting an Indian establishment, he will find the native servants infinitely more attentive, more obliging, and more ready to submit to inconveniences to promote his comfort than ninety-nine out of a hundred English servants would be. There are several little points which it would be wise in masters to attend to. If a servant is sick, visit him (provided he live within the enclosure of the grounds) now and then, or send to ask him how he is. If he goes on leave to visit his home, ask him on his return if his family are well; if he goes to a wedding feast at the marriage of one of his relations, ask him if all went off well; and so on. If masters would condescend to show these little attentions and proofs of interest in the welfare of their dependants, it would promote kind feeling between himself and them to a great extent: but not one in fifty, perhaps not one in five hundred ever think of it.

A few anecdotes of native servants will conclude the present remarks. I have known men who resided from four to five hundred miles from Calcutta, no sooner apprised of the return of their former master from England, than they set off and travelled at their own expense to Calcutta for the chance of being again allowed to enter his service, although from the time which must have elapsed between the receipt of the intelligence of his arrival and their journey to Calcutta, it was almost certain that the masters must have provided themselves with other servants. Would any English servant travel at his own expense such a distance, or even the twentieth part of it upon such a risk? A Colonel, whose name I forget, was proceeding by water to Calcutta to send his children home. He allowed two of his servants to go ashore some miles above Khampoor, to visit their families and rejoin him at the latter place: but by the time they reached it the Colonel's boat had passed.

These two men instantly set off on foot to Calcutta, although they were so ill provided with the means of paying their expenses that they were obliged to beg their way for the last half of the journey which they performed in an excessively short time; and sometimes all they got to eat during the day was a little parched grain. Now if these men had been the rascals which the natives are so constantly represented to be, how easy would it have been for them to have remained at home quietly enjoying themselves, and to have rejoined their master on his return (for they knew he was coming back as quick as possible) and to have invented a story of their having been taken ill. I have known several instances of men on their return from England on furlough hiring an establishment of servants from twenty-five to seventy or eighty in number, none of whom they had ever seen before, and immediately setting off to march up the country. The instances of people hiring servants in this way and travelling by water to the interior are innumerable. Yet where the masters knew how to manage them, there was not a single quarrel or annoyance of any sort. What would be the result of hiring a heterogeneous mass of servants in this way in England. The man who would attempt it would be worried out of his life by the disputes and trouble with which he would be beset.

On the whole, therefore, I repeat, that where the lower orders of natives had met with any thing to excite their gratitude they have evinced this virtue in a much higher degree than the corresponding class in England; and that when properly managed, they are infinitely more ready, more obliging, more willing to submit to inconveniences for the benefit of their masters than any English servants,—except, perhaps, here and there a few old and faithful domestics reared from childhood in their masters' service,—I have ever met with; though my experience has been among what are usually considered the best.

One more anecdote I must beg leave to mention, though it would have been more in its place above; merely to show how exceedingly quick the natives are to perceive whether a man understands their conduct or not. On a ship arriving from England and anchoring at Chandpal Ghaut, two passengers landed; one who had been many years in India the other a fresh arrival. Each was speedily surrounded by about a score of the Rum Johnnies abovementioned, all making their salaams and presenting their written characters. The "old hand" quietly returned their salutes, upon which every one instantly left him. The thought which passed their minds was something to this effect:—This man returns the salute of a common native (an excessively rare thing for an Englishman in the Government service to condescend to do) he must have lived much in the interior of the country among the people, and must be well acquainted with our customs: he is not the man to hire people of our stamp.

A FRIEND TO INDIA.

July 5, 1835.—*Bengal Hurkuru.*

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## ON CAPITAL AND ITS DIFFUSION IN INDIA.

### LETTER XX.

TO THE EDITOR OF THE BOMBAY GAZETTE.

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“The greatest misfortune of a country is an indigent tenantry. Whatever be the native advantages of the soil, or even the skill and industry of the occupier, the want of a sufficient capital confines every plan, as well as cripples and weakens every operation of husbandry.”—*Hume's Essays*.

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The grand difference between external and internal commerce is, that while the latter neither enlarges nor diminishes the sum total of our wealth, but only professes to turn the possession of it to the best advantage, the former must be nearly always increasing or lessening our resources. It is constantly fluctuating; and though fluctuations are immaterial in a general point of view, when both parties to the sale are our own subjects, they may of course prove of serious importance, if they continue long in favour of foreigners. It must, consequently, mainly depend on the management of the ruler whether the external trade he sanctions be advantageous to his subjects in general, or ruinous. But commerce requires such nice handling, and is so averse to any open interference that more tact is probably required in its management, than in that of any other department of the state. To guide it requires strict attention to its first principles. What they are, it is not difficult to say.

It must be evident to every one, who chooses to reflect for a moment on the subject, that every benefit which the state can derive from external trade, must depend on two points; the first of which is whether the capital used in the trade be our own, or foreign; and the second, whether the employment which that capital creates be given to our subjects, or to the people of other realms.

First, whether the capital engaged in the trade be our own or foreign. It is clear, that the principal direct profit made by commerce must be the remuneration which the capitalist receives for the risk of his property. If abstract justice did not give him this, the necessity of the case would; for, whatever it cost, capital must be had, and the price of it will always be proportioned to the hazard incurred. The direct gains then accrue to the mo-ried man. That a country, therefore, should be able to secure this direct advantage, it is necessary that the speculator should be either a native or a naturalized subject,—one who, if not born in our dominions, is content to fix himself in them with his family and his fortune. If he be not such, he may give an indirect assistance to us by the employment his cash will occasion among us; but that assistance will cease after he has sufficiently enriched himself, as he will then remove with the wealth he may have amassed to his own

country. While a state profits both by principal and interest of capital the property of its subjects, it only enjoys, even under the most favourable circumstances, the temporary usufruct of the property of foreigners settled in it for purposes of trade.

I have shewn in a former letter, what indeed there needs not much argument to convince any one of, that gold is not of the slightest use unless diffused: on the contrary, that to hoard it is to inflict a positive evil on the community at large. Whatever general benefits then a country can derive from the wealth of individuals, must depend upon the use made of that wealth much more upon its being used at all. A sovereign for his interest in the riches of his people is indebted to that principle, which impels nearly every human being either to expend his wealth in luxury, or to increase it, by entrusting it to the management of others. The expenditure and circulation caused by this impulse are what really give a revenue, as they are contracted, this is diminished: as they are extended, this becomes abundant. If then capital be removed from a country, as soon as it has been accumulated in large quantities, the benefit of expenditure can no longer be derived from it, and the circulation will be smaller and the community consequently more impoverished than before the money was saved.

It follows, as a consequence of what I have said, that one of the principal cares of a statesman should be to use such measures as may as much as possible throw the trading capital of the kingdom into the hands of his countrymen; so that the fortunes made under his protection may be retained to swell the wealth of his own nation, instead of being carried off to enrich a rival.

There have been many methods used to effect this object. One, much in vogue in days gone by, was to favour the native merchant to the prejudice of the foreign settler, by loading the latter with unreasonable exactions, from which the former was exempt. But the days of such paltry meanness have happily passed away; and where any such invidious distinctions now exist, they are rather looked upon as the remnants of former barbarism, which it is expedient as soon as possible to eradicate, than as restrictions, the imposition of which could be vindicated at the present time. It is

very certain foreigners could never find it to their advantage to settle in our markets, if those were already sufficiently well stocked with native capitalists. Every thing is against them, climate, unknown customs, language, and laws, and last though by no means least, an established conception, which the native of any realm must possess opportunities of securing far superior to those of the unknown adventurer; for the character, the family and the wealth of a man must always be much better known, and much more justly appreciated in his own country than in a far distant one, the inhabitants of which see him, on his arrival, for the first time. If then under all these disadvantages, we find foreigners forming commercial establishments among us, we ought, instead of taking any steps to deter them, pay them every attention in our power; for we may be sure that native capital or native enterprise has been insufficient to supply all that was required, in other words, that an opening existed for farther speculation, and that strangers have been so obliging as to fill the chasm.

The best and the most successful policy therefore, which the universal consent of intelligent men has sanctioned, is that, which teaches us, instead of closing our gates to foreign merchants who are anxious to fix themselves among us, to make it the grand object of our anxiety by equity in our decision,—by a kind allowance for their ignorance of our laws, (where that alone may have led them into error), by an exhibition of those numerous little attentions which doubly gratify the stranger,—by a scrupulous toleration as well in word as in deed, of their religion, however much it may differ from our own, by promoting intermarriages between them and the daughters of our subjects,—by admitting them freely to our private society,—in short, by practising towards them those thousand rites of hospitality, which a good heart will dictate better than words, it is conduct such as this that is requisite to found true commercial prosperity. If we persevere in this line of conduct, we may be assured that ties more tender than those of gain will in time be created between the foreigner and the native, and the father, at last almost half a countryman, will leave little of the stranger to his progeny but the name.

I know that so great eventual success is far too much to expect with regard to Europeans in India; I was merely mentioning a general rule; how far it is applicable to the circumstances of this country whether as concerning Europeans or Asiatics, it is for others to decide; though, I think the farther extension of at least one of the clauses to the latter would, if public rumour is to be credited, be by no means unacceptable.

But whatever be the circumstances of a country, a kind treatment of foreign capitalists will not be without its reward, if the commerce they carry on give employment to our subjects; as these will thus be enabled to improve their own fortunes, and so at last, by

themselves engaging in trade, gradually prevent the necessity of our depending on the monied men of other nations. This brings us to the second, and far the most important point.

If the commerce, which is permitted, be carried on even with our own capital, but if the employment it occasions be entirely in the hands of foreign artisans and ship-owners, it is very clear that we can derive no possible benefit from it in the world, unless an opportunity of throwing away our money be so called. The advantages we shall receive from such a trade will be precisely such as the schoolboy acquires from his bargains with the pedlar; who enables him to exchange money, for which he has no present use, for a parcel of trumpery, which is neither useful at present, nor can it possibly become so at any future period. Of course, commerce of this kind can in no free country have any long duration. The rulers of slaves may indeed for ages keep it in some sort of animation. Where the tenantry are bondsmen of the soil, and there exists no bound to oppression but the pleasure of the oppressor, we need not be surprised at witnessing any thing, however unnatural. As in all free nations a man must fairly earn money before he can spend it, it is of course necessary that the commerce, which sells to us the fruits of the labours of other nations, should, in return, give us an opportunity of exerting our own: by this means, both parties profit; even the price contributes to the emolument of the purchasing nation, as it can only be paid by giving its people additional employment. But even if it were not so, if cash were always forthcoming, without labour, to pay for the commodities we buy, the trade carried on such terms would still be the greatest curse a state could be afflicted with.

It is a curious question how far society is injured by the number of persons whom some style unproductive classes and others denominate drones. There can be no doubt, that in some countries, this body is not only very destructive of the best interests of the community; but this is only in despotic states, where nothing finds its natural level, where commerce is monopoly, and where no one can pursue without restraint the occupation which is most advantageous to him. There it flourishes in all its rankness, and continues often an object of dread to the sovereign, and of hatred to the people, till its destined hour arrives; when with all that is valueless and much that is good, it is swept away from the nation it deforms; till a new series of virtues have degenerated into a new series of vices, when the constitution of man's nature ensues the return of a similar race. Where however free institutions are cherished, we may rest assured that it will never exist in sufficient force to injure society; for there a constant succession of new men and falling off of old will always prevent stagnation.

In nothing are the fruits of liberty more perceptible than in this, that not even the

humblest is debarred from the first honours in the state; and that not even the proudest can grasp them, unless possessed of wealth, public virtue, and talent; consequently, the multitudes who aspire to them must be constantly exerting their best energies. Those who seek new distinction, and those who wish to secure to themselves that which they have been fortunate enough to attain, must alike recur to the same means—those means are exertion. The fear of drones, then, with us, is an idle terror, and those who labour under it, contend against a bugbear which their own diseased imaginations have conjured up: while exertion shall continue to be the stepping stone to pre-eminence in Britain, the coronet and the mitre will remain pledges of greater labour in the persons of their wearers, than is undergone by united thousands of those induced with the cobbler's apron or the weaver's garb.

That a country should be injured by indolence, it is necessary in the first place that freedom should cease to exist, and that the interests of a few monopolists should be preferred to the welfare of a whole nation. This will cause the principles of commerce to be neglected, and the trade which, for the moment, brings most cash with least trouble into the despot's coffers will be supported by him to the prejudice of all others. Of course, it will then be matter of indifference to those in power whether that trade gives great or little occupation to the people, and of course, these latter must in general be utterly ruined.

There is not a better example of this on record than the somewhat stale, though very appropriate instance of Spain. It is allowed by every one that her mines in the new world were her destruction. In every point of view she was, previously to working them, a great nation. Her army, her manufactures and her commerce placed her then at least on a level with the first powers in Europe and now, where can we assign her a place? Her manufactures and commerce are at the lowest point, and her army and navy contemptible; her agriculture seems the only staff of her old age, and perhaps her natural advantages have alone preserved this from destruction. The trade carried on with precious metals, could have been advantageous only to the American miners, if it had been advantageous to any one; in the same manner, as the profits of our English trade in coals, iron, and tin, go almost entirely into the pockets of the owners of the mines and their establishments. This

certainly enriches Britain, because the mines are British, and the proprietors, workmen, and those who carry the article abroad are Britons; but the American mines, if fairly worked, could not have enriched Spain, except, in as far as it might have called into exertion her endeavours to manufacture commodities, sufficient for so rich a market. Her policy however took another course; it depopulated America by forcing its inhabitants to excessive and unpaid-for labour, and then, arbitrarily seized a large share of the produce of their industry, as the property of the crown, and made over the remainder as a prey to needy courtiers, shameless monopolists, and hypocritical churchmen.

The consequence of such conduct was what might have been expected. The nobles became demoralized, the poor idle churchmen rich and irreligious, the laity superstitious to the last degree; America was destroyed, and Spain did not benefit; a few nefarious speculators made princely fortunes, and the body of commercial men were ruined, the working classes were thrown out of employment, and the money which they ought to have earned was paid away abroad; the sovereign secured some treasure for the moment, and for it sacrificed that best treasure—his country. The prosperity he sought has fled, while that of legitimate commerce still increases in vigour; and the owners of the humbler metals of Cornwall and of Wales now laugh to scorn the mines of Chili and Peru.

What Spain could not do, we cannot. If we wish to enrich a country by commerce, we must carry our views farther than the mere money-making business of the merchant. The latter has only his own interest to attend to; but it is the duty of those placed in authority to consult the welfare of the whole state; and therefore, though individuals may be indifferent about the nature of the external trade they carry on, provided they be well remunerated for their capital and their pains, it is the business of a government to examine the matter more deeply, and never to permit the welfare of private persons to be put into competition with that of the public at large: this will be best consulted by taking such measures with the commerce, as shall throw the principal share of the business in our own ports into the hands of native or naturalized capitalists, and also, (which is a matter of far greater consequence,) throw the employment caused by trade into the hands of our own subjects.

## LETTER XXI.

I have mentioned the only method which we may at the present day use, for throwing our trade principally into the hands of our own capitalists; the next and most important thing to be considered is, how to secure the employment which that trade gives to our own subjects.

And here it may be as well to observe, that I would by no means draw any distinction between the natives of India and those of Great Britain. The only distinction which should be allowed, is that which must ever exist between subjects of the British Crown, and those who owe allegiance to other powers.



I wish that, as far at least as commerce is concerned, none other were sanctioned. Whatever difference be maintained between the two classes with regard to political privileges, commercial should surely equally be conceded to all. It would, however, be folly in us to affect blindness to the real state of the case. Our connexion with this country is preserved, much more for the purpose of extending British trade and British manufactures, and providing for the sons of British families, than for that of enriching India, and a comparison between the rates of duties levied on British goods in Indian ports and those levied on Indian produce in British ports, will prove that this object has been not only strenuously but also avowedly, pursued. The very manner of the pursuit betrays its selfishness; but, like most selfish attempts, it defeats itself. It is a common error of the avaricious, by grasping too much at once, to injure future prospects: a sordid man is usually a bad calculator; while their whose liberality appears to border on extravagance, are frequently only sowing the seeds of an ample return.

As long as this country shall continue subject to Great Britain, it is very evident, that any increase in its riches will be, in fact, an addition to the wealth of the dominant power, and any decrease, a corresponding diminution of it. The whole territory is absolutely at our disposal, and rich or poor, its resources will be equally at the command of our legislature. The proper way then of making it contribute to our prosperity appears to me, to be not the paltry measure of over reaching her as much as possible in our bargains with her, by deluging her with our manufactures, and in return deprecating by duties her produce to any point that may seem convenient to us; but, by taking every opportunity of placing her on a level with us in these respects, to prove that we consult her welfare, and through that only, our own. Forming an integral part of our dominions, she should reciprocally partake of the wealth which flows into the rest of our territories, and share her riches with them. As a part of the empire, however, its freedom in trade needs only extend to the United Kingdom and her colonies; its intercourse with foreign states would, of course, be subject to whatever restrictions the wisdom of Parliament might impose.

In saying this I by no means wish to relinquish the position that our own interests would be best consulted by attending to the interests of this country alone in the commercial measures adopted with regard to it. I am convinced that the sole way in which our empire can be injured by Indian trade, is our not paying sufficient attention to the strictly Asiatic part of it. England is a manufacturing country, India an agricultural; their staple commodities are so different, that their interests can never clash; and they seem so peculiarly fitted each for the other, that there is little occasion for any bonds to cement commercial union. While England receives a sufficient supply of Indian produce, it would be folly to prevent the sale of the remainder

to any nation that chooses to purchase; and the more numerous the applicants the better for us. On the other hand, when we have sold her as much of our manufactures as she can take, we should not surely be averse to her buying from others the few things we cannot ourselves furnish. There is not the slightest chance that much reciprocal trade would be carried on with any but ourselves, under any circumstances, other than absolute exclusion from our markets. The wines and brandies of France can find few consumers here, except among the European community; and her other manufactures could never be taken in any very considerable quantities, for the next century at any rate. The only country, which is said to be at all capable of rivalling us is Russia; but she only receives credit for being able to compete with us beyond our frontiers on the north western side, and not actually in our own territories. We, on the other hand, seem especially adapted to supply the wants of this peninsula. Our hard-ware and our machinery are the best, and perhaps the cheapest in the world; and our cotton goods, earthen-ware, will certainly be most suited for an Indian market, during the long period which must elapse, before the mass of the population, now sunk in indigence, shall be raised to so great a pitch of wealth and luxury, as to be able, and willing to purchase the less necessary goods of other realms.

But the principle allowing so great freedom would be most unacceptable to many, and it had therefore perhaps best be left alone. One thing I am sure of, which is, that if true freedom be allowed to Indian commerce with England, any restrictions on its importation from other European states will be of little signification for either good or evil: Laws therefore to prevent its extending a trade, which cannot at any rate be much extended, are not worth contending about; and if liberty to enact a few dead letter rules will procure the co-operation of any, in carrying others which may be of service, it would be foolish to hesitate a moment about gratifying them.

To return to the point, which is, how to throw the employment caused by commerce principally into the hands of our own subjects. The means we have in our power for effecting this is a proper regulation of the export and import duties. It is true that these were originally imposed for the sake of raising a revenue, and the interests of commerce were little consulted in the arrangement; but, as the power and patrimony of the crown became reduced, the consequence of the commons received a corresponding increase; and it was found necessary to use some discrimination in fixing burthens, which, if too oppressive to commerce, would have been infallibly rejected by commercial men. Since those days, the theory of a scheme of taxation, which, instead of stifling, shall invigorate trade, has been generally acted on; and the consideration of the wants of the state is, very reasonably, held second in importance to that of the preservation of the resources of the country; on the stability of which, the relief of



those wants must entirely depend, and to injure which, even if productive of temporary relief, would entail eventual ruin. It is our duty, consequently, to look upon the customs as the supporters and guardians of the national trade, rather than as productive branches of revenue. It were better that the revenue suffered than that the fountains of it should be dried up; the destruction of the former would indeed produce the greatest temporary injury to a large body of the community, but that of the latter would involve the whole nation in distress, and so involve it perhaps for ever. But there is no necessity that either the public income or the public resources should be sacrificed; the welfare of the one is not incompatible with that of the other; it is, however, as well to bear in mind their relative positions, as by doing so, we shall avoid the too common, but fatal error of taking the means for the end, what is only productive for produce.

The export and import duties then are the legitimate implements which we possess for the regulation of trade, and as such, principally ought we to view them. While commerce flourishes, and the people are enriched, we need never trouble ourselves with much anxiety about the fate of the state purse: poverty must become general before the finances can be much endangered.

First, we will consider the export duties. These are a species of tax, which nothing but the declared necessity of the treasury could at all justify. It is a principle with men and nations, in all their deeds, to consult chiefly their own interest; and however vicious it may at first appear, the general adoption of it is productive of the best consequences. It is plain, that nothing but its being confined to a few could render it noxious to any; when all act upon it, universal good is its fruit. Disinterested generosity is perhaps the most noble quality that could adorn God's creatures; but the applause which the rare specimens we behold of it receive, prove that it is rather a heavenly exception, than the general rule which guides the conduct of mankind. That such is the case, may form a subject of lamentation to the good, but cannot be denied: we must not allow our wishes to outweigh the evidence of our senses; we may desire to see our species endowed with the virtues of angels, but we must act upon our knowledge that they are cursed with the foibles and the vices of men. The imaginative being, who, in his closet, gives the world credit for goodness such as is only to be found in another sphere; will probably, when called into active intercourse with his fellows, and in believing it to be far worse than it is; and disgusted with the cheat of which he himself only is guilty, dare to question the wisdom of the omniscient author of his existence. He, who holding himself aloof from vice, does not blind himself to its existence, who to a love and cultivation of the best feelings joins a consciousness that in some breasts are implanted the worst, will the more successful in his efforts to better his kind, than will be the sentimental pretender

to philanthropy, because those efforts will be based upon the unerring dictates of reason, instead of resting upon the beautiful but illusory suggestions of a too refined imagination.

I do not therefore hesitate to say, what has often been said before, that the guiding principle of this world is self-interest. The merchant considers his own profit in a bargain not that of the man from whom he purchases; if glory alone were the object of the soldier, that would not exempt him from a similar charge; but how many are influenced by rank, power, patronage and emolument? The Judge will not perform his office unremunerated: and if even many of the clergy require an earthly, as well as heavenly reward, we are not to conclude that they are sordid, we must only allow that, however virtuous their lives may be, or however holy their intentions, they are still mortals, and are not exempt from every weakness of humanity.

Individuals are led by this principle of self-interest to use their utmost exertions to provide adequately for themselves, and for their families; a similar impulse induces nations to view the prosperity of their own members as the paramount object of their best endeavours. In conformity then with this impulse, the public burthens, which the necessities of the state have imposed, are usually shifted, as much as possible from the shoulders of our own people on to those of others; and the industry of our own subjects is encouraged, as much as can be done, to the prejudice of that of foreign realms. It is therefore proper that the export duty, which, by contracting the rent of our manufactures and produce, presses principally on ourselves, should be as light as possible. The only exception to this rule is, where a foreign state is in the habit of taking annually from us a certain quantity of some article vitally necessary to it, of which less will not be taken if it be raised to the largest price, nor more if reduced to the smallest. In this case it is plain that no injury is done to the manufacturer; because the export duty only enhances the price to a country, whose necessity is so urgent, that it must at any rate be supplied. In such a case nearly every penny levied is taken directly from the pocket of the purchaser. The seller has first fixed his price; and then, the state comes in with a demand *ad libitum*, which it knows the buyer is absolutely obliged to comply with; thus, the duty enhances the price, but by no means lessens the sale. This, however, is a case which can seldom happen; but where it is determined that export duties shall be levied, they should be laid as much as possible upon articles which have something approaching to this property. In all other cases, export duty should be merely sufficient to reimburse the government for the local expenditure connected with the port.

If these principles be recognized in a great degree in Britain, where the land is the property of the subject, and where manufactures form the more valuable portion of the exports; how much more consideration should they

meet with here, where the sovereign, is not, in taxing exports, taxing the property of the people, but is virtually levying duties upon his own: for here, the greater part of the soil is to every profitable purpose the property of the state, and the exports are mostly the produce of that soil. To tax exports, therefore, heavily, is too often nothing more than to give up so much land revenue and to raise an equivalent, by customs. Plain men would suppose, that this was merely a troublesome way of taking money out of one pocket to put it into the other; with this small difference, that the money is sure to be taken out of the one pocket, but it is very doubtful whether it will ever find its way into the other. The land revenue is sure to suffer, but it is not so certain that the customs will gain. When produce is taxed indirectly through the land on which it grows, there cannot possibly be any doubt or difficulty in the matter; one cannot smuggle standing crops, or materially deceive a government as to the quantity grown, where the officers of government are witnesses to the whole cultivation; but it would require more wit than most governments possess, to prevent any of the produce, when once brought into the market, from being clandestinely conveyed into foreign towns, or smuggled through our own.

But besides this, there are two considerations, which should prevent our taxing any thing upon exportation, which we can tax at a better moment: one is the expense of collection; and this will be in a large proportion to the sum raised: whereas, by adding on to the land tax the amount levied through the customs on the produce of land, not a farthing of additional cost is incurred: the second reason is, that simplicity would be preserved, which is itself a great boon, and any after interference with the trade in articles of the description mentioned would be prevented. These objects are certainly in all revenue matters of the greatest importance; nothing can compensate for the absence of attention to

them, its presence will make men hear with many evils.

There are few men mad enough to oppose all taxation, and those few will never do much harm; their ravings may occasionally influence a mob, but will never be attended to by persons of the slightest political weight. But if an honest man must allow that state debts must be paid, even if incurred by a vicious administration, and lavished in opposing the very objects they were incurred to further; it does not follow, that he is bound to acquiesce in any scheme for raising the sum required, however absurd that scheme may appear to him.

In this country, however, the acquiescence which may be withheld from the theory, will never degenerate into any opposition in practice. The larger and more influential portion of the Indian public, (for sorry am I to say it includes at present only Europeans,) is composed of men in the service of the state: and such can never wound the hand that gives them bread. If their patriotic zeal is uncontrollable, they must resign their employments before they can honourably indulge it; and this is a test which few patriots can stand. The servants of the public may indeed give publicity to their ideas, but in doing so, they will have the conviction of men in power for their object, not the irritation of the opponents of authority, they will know, that whatever be their speculations, they are merely opinions, like those of other men: and they will have the sense to see, that it would be better that themselves, with all their sentiments, were engulfed in the ocean, than that the golden rule which has been handed down to us by the wisest administrators of this country should be violated—that rule which bids all Britons in India never to carry their differences whether personal or political, so far, as to attempt to disturb the national concord, or to do ought which may weaken the universal bond of loyal submission to the unlimited, but liberal power under which we live.

## LETTER XXII.

The simplicity of the principle, by which the duties on exports should be levied is not greater than that, by which men should be guided in measures relating to imports; but, while the former has scarcely an exception, the exceptions to the latter often almost equal in number the instances in which the rule is followed. As few men have the impudence to demand payment of more than their just debt, but many will importune you to make some abatement in your demands upon them, so it is with nations; one will not press the other to burthen its own commerce, but will beg it to do away with the impediments it may have thrown in the way of strangers. Frequent compliance with such requests causes the import duties to be, too often, a subject which few can understand; because, though the good of the country is of course

consulted in all reductions of them, yet the benefit gained is, not seldom, such as relates to some point of policy, with which the particular branch of commerce, to which freedom is given, has little to do; and consequently, from a mere knowledge of the interests of trade, it is not easy to form a just conception of the propriety of the measure adopted. Commercial advantages are often conceded as the penalty of unsuccessful war; and a province or an island is redeemed at the expense of interests with which the territory in question has no connection whatever.

To lay down therefore a rule by which all duties on exports should be eternally regulated, is beyond the power of man. Every exception is made, either because it is found good in itself, or if bad, to save us from a worse and to declare then, in what cases only

these exceptions should be allowed, would be as impossible as it would be to forestall all the dilemmas in which the will of Providence or the folly of our rulers may ever involve us. The principle, however, from which so frequent deviations are made, is very simple; it is this—never to buy from foreigners any thing, which we can either grow, or manufacture ourselves; to discourage, as much as possible, foreign articles of luxury, by introducing a taste for such as we have the power of or perfecting at home; and in all exchanges with other countries, to give as much as possible, superfluities for necessities, and the perfected works of our artisans for the raw material upon which they labour.

It is very clear, that to purchase from foreigners what we can make ourselves, is to sanction a competition in that particular article, which must in the end prove destructive to one party, and will materially injure the other. A rivalry of this description can only be terminated by the ruin of the weaker body: it is a race in which capital had as much to do as industry: it is an opposition which will decide who can stand a great loss, for a given number of years, with the least inconvenience; in other words, it is a game of hazard, at which no honest man would wish to stake the interests confided to his care.

Freedom of trade is a valuable species of liberty; it is not only beneficial, it is even necessary; but like other kinds of liberty, it can never be absolute, it must be limited. I think that commercial freedom is no more destroyed by our refusing to sacrifice our manufacturers to the avarice of foreign merchants, than would personal liberty be periled, if I thought proper to knock a cannibal in the head, instead of permitting him to feast upon my carcase.

Liberty of every kind is the pre-eminent object of the Briton's regard: in youth, it forms a theme for the exercise of genius; in age, it is the prejudice to which the veteran statesman clings:—the feelings vary, but the cherished object is the same. In youth a sense of our inferiority in wisdom makes us fear the despotism, which the craft and experience of the old may introduce: but when the corporeal feebleness of later years has come upon us, we no longer dread the weapons at which our hands are practised; and then, the consciousness of our deficiency in bodily strength makes us exert ourselves in opposing measures, which have an appearance of placing too much in the power of popular force, a power with which, if once unchained, we feel ourselves utterly incapable of contending. Happy is the nation where between the two ages such strife exists. May a zealous ardour in the cause of freedom be ever characteristic of youth, and an unconquerable attachment to the constitution be the privilege of age. The well balanced contest is a spectacle which the world may view with complacency; but, if ever forgetful of their proper positions, the young shall side with the craft of age, or the aged combine with those whose dispositions nature has formed opposite to their own, despotism or anarchy must be the inevitable

consequence, a despotism which will deaden all the finer feelings of youth, or anarchy, which will cause the heads of the fathers of the nation to fall at the feet of its inflamed and ungovernable children.

The greatest possible freedom I have said should be allowed to persons, property, and trade; but, when the limitations, which even the most sanguine must acknowledge to be necessary, are taken into consideration, we shall find this after all to be very moderate. The first restriction on commerce is that, which taxes foreign articles on importation in such a manner, as to make them cost more to our purchasing subjects than similar articles of home manufacture, and thus prevents any injurious competition with our own artisans. The second is that, which is intended to assist the substitution of our own goods for foreign in the public taste. Much may be done, and has been done in this way; high duties on French spirits have caused many to content themselves with British, who would, otherwise, from a mere caprice of fancy, indulge in those, which in the opinion of most men are only better, because more expensive. The truth of the maxim that in any exchange, luxuries should be given where possible for necessities, and perfected works for the raw material upon which to expend labour, is beyond dispute.

The object of these restrictions is to carry into operation the principle, that in all external commerce, our duty is to throw the employment caused by it, as much as may be, into the hands of our own subjects. This is the principle which should guide those in power; and whatever measures may tend to further the action of it, will deserve the gratitude of the poor, and the co-operation of the wealthy.

But there are many who carry the limitations upon commerce to as great, and perhaps as injurious an extreme, as the opposite party would carry the freedom. There are some persons deficient in neither weight nor talent, who are so determined to shield the interests of their country, that they virtually oppress it: too much armour will prove an incumbrance to the wearer instead of a protection; and restraint is not more palatable, because enforced from a great, but unnecessary, anxiety for our welfare. The principle of favouring our own manufactures is excellent; but to reject every thing made abroad, whether it interferes with our own workmen or not, is to carry this principle to an absurd extreme.

We may be pretty sure that private individuals of all countries have a tolerably correct notion of their own interests; they are therefore the best, and should, in general, be the sole guardians of them. It is only in extraordinary cases, when individual efforts prove abortive, and when the sufferers demand that aid, which is absolutely necessary for their preservation, that the sovereign power is bound, or even ought openly to interfere.

There is no doubt that an invisible but not the less sensible influence is possessed by every government. This influence is great, indeed, but is not constitutionally fixed, or even re-

cognized; its operations are often secret and gradual, but its effects are plain to all men. This influence it is the very nature of power to possess, and nothing on earth can deprive it of it; the two things are inseparable, and their union depends not on laws, but on the courtly disposition of mankind. When power is in the possession of any set of men, this influence will of course be made use of to further their own views; but as all ministers of England are believed by the nation, without whose support they cannot stand, to be actuated with a strong love of their country, those views we must, in their case, suppose to be quite compatible with the public good. As the influence is connected with the power, and the nation is not ignorant of its extent, it is plain that the act of confiding the power to any one, proves its belief, that the individual is not unworthy to be trusted with the influence. This influence then ought to be, and we hope is, enlisted on the side of virtue, and its legitimate use, if what is unrecognized by law may be so termed, is to assist those bodies indirectly, with whose concerns it would be improper for the legislature directly to meddle.

I think the mistake of those who would carry commercial restrictions to the extreme is, that they would do that by the despotic mandates of law, which should only be attempted by influence. It must be evident that the difference between these two methods of promoting a favourite object is most material. It is not consistent with either the dignity of Parliament, or with the just liberty of the subject, to enact laws for the furtherance of every scheme; whereas, the obtrusion of influence is less obnoxious, and still leaves the adoption of the plan to the option of those concerned.

The line which divides the proper occasions for legislation, and those on which influence only should be exerted, is very plainly marked: whenever a large body of the people is already engaged in a manufacture, the destruction of which must be their ruin, then the legislature is bound to interfere, and save them from the fate to which they have not willfully subjected themselves; but when a foreign nation has a staple commodity, the manufacture of which, if introduced at home, it is conjectured would be a profitable employment for our countrymen, it is certainly contrary to the true interests of commerce and of society to force the progress of it by restrictive enactment. If the projects appear good, the influence of government may be fairly used in its behalf; but it would surely be the grossest perversion of power to make laws for the consumption of an article, when the success of the manufacture is quite problematical, and its value to the country is still more questionable. It is an act every way worthy of a prince to exert his influence in encouraging an artist; but it would be a most vicious excess of tyranny to make every one sit to him for a portrait.

To use the law to enforce good either public or private, is an error on the side of virtue, but it is an error nevertheless, and one pro-

ductive of the worst consequences: it has caused more dissension, intolerance, and persecution in the world than perhaps any thing else: it is, however paradoxical this may appear, the child of virtue, but the parent of a thousand vices. In nothing have men more erred than in confounding influence and law. Influence is the legitimate weapon of virtue, the laws are proper only to repress vice; it is the part of the laws to curb any dangerous excesses of the fanatic followers of an impious sect, and to punish flagitious offenders against morality; but there their province ceases;—neutrality is all they have a right to command; to bring men over to a belief in our own religion, or to induce them, instead of barely eschewing vice, actively to pursue virtue, is the noblest and best subject for the exertion of all the influence we possess. As it is with private good, so is it with public. To afford a remedy for evil already committed, and to avert evil impending, is the proper occupation of the laws, and there that occupation ends; to stimulate us to public virtue, is what can only be done by hope, not fear;—vice may be rooted up by laws, virtue is a plant which influence and example are requisite to rear.

In trade, neither a system of absolute exclusion nor one of absolute freedom will do; something of both is necessary. The latter I would consider the body of the work, the former merely necessary additions;—in other words, freedom should be taken as the groundwork, and what restrictions may be thought politic should form the superstructure. If no limitations on trade had been considered requisite formerly, our financial burthens would render the imposition of them necessary at present. A manufacture may under the existing state of things, have long subsisted for unrivalled cheapness, which, by the introduction of new taxes, might, without corresponding commercial restrictions, be absolutely destroyed. A tax on the necessaries of life in our own country may render cheapness of workmanship no longer possible; a tax affecting the raw material in a foreign state might equally alter the price of the fabric. Who, then, will assert, that the evil impending over a large and industrious portion of our fellow subjects, ought not to be averted by that legislature, to whose acts, not to their own, that evil is attributable?

In concluding this letter, I would remark, that there are fixed principles in politics as well as in every thing else; and one is, that men must temper systems with moderation, and not hold any rule to be so general as to have no exception. The supporters of each extreme in trade, like those of the divine right, and those of perfect equality, are both wrong, where the interests of our own manufactures and those of foreigners clash, it is the duty of government to lean to the side of its own subject; but where any rivalry on our part is impossible, we ought not wantonly to injure others: necessary taxes may be levied, but not such as will exclude from our markets.

In short, the whole matter is embraced in the distinction between the province of influence, and that of the law, (on which I have already said more than enough): where evil impends or has fallen on our subjects, from the competition caused by too great freedom in commerce, it is the undoubted duty of the legislature to avert or redress it; but, in a case where good is expected only from a rivalry which we may hope to establish in some ma-

nufacture, at present monopolized by another country, then, indeed, the laws ought not to be made subservient to crude speculations, injuring perhaps interests already vested, to favour interests which we may never be able to establish; but, if a well grounded hope exists in our breasts, that care and time will ripen the project to maturity, beneficial to the state, our influence may be wisely and honourably enlisted in its support.

### LETTER XXIII.

Having said so much upon commerce, I cannot refrain from touching upon one topic vitally interesting to it. I am aware that in so doing I tread upon tender ground, and that it may be urged that the matter is beyond our control. If a mere excuse for an indolent acquiescence in the present state of things be required, this assertion will no doubt answer the purpose capitally; but, if the slightest desire to improve that state exists, we must at once put it aside.

The point I allude to, is the benefit which the government of India would confer upon trade, by placing the transit of our commodities through native states on a better footing.

The territories of native princes are in some parts of this peninsula so intermixed with our own, that it is quite impossible that any goods can pass from the heart of our dominions to the extremities, without traversing a foreign soil. In addition, moreover, to the states of princes, there is a large number of petty land-holders, who adopt a variety of titles, and, in virtue of what they are pleased to term their sovereign authority over some unfortunate village with its dozen inhabitants, levy a tax upon the subjects and trade of those through whose clemency alone they have existence.

I am the last person in the world that would advocate any injury to vested rights: if they are not esteemed sacred, what security have we for property, or even life? But I cannot think that the rights in question have a particle of that inviolable nature. Where property is concerned, the enjoyment of undisturbed possession, for a certain length of time, is very wisely held to be itself good title; but in the case of royal prerogative other considerations must be weighed.

It is not necessary to enter here into an examination of the purpose and origin of government. Whether the position, that all power is a deposit by the people to be used only for their advantage be true or false, is of little consequence to the present question; it is certain that no length of time or any other title will confer a right to the enjoyment of that, by an individual, which can only be used at the expense of surrounding millions.

If then this be true, it is plain that we should be justified in annihilating the power question, even if long enjoyment had seemed to confer on the possessors a prescriptive

right to it. If a petty landholder chooses to make himself a thorn in the side of his neighbours, instead of confining his attention to his own tenants, his waspish attempts will beget retaliation; his sting must be extracted, and if destruction happen to ensue, none will be to blame but he who so foolishly incurred it.

If it be warrantable to destroy another's power of injuring, when that other has shewn a determination to make a bad use of it, what are we to say to those, who have only within a very few years acquired their right by violence and fraud,—a right which has probably never been recognized, and only saved from more early interruption, because its own insignificance, or the importance of other objects, enabled it for some time to escape observation? That this is a fair account of the cases of many who have, under various pretences, assumed the right of taxation in India, I think none will deny: similar was once the conduct of landed proprietors in Europe.

We all remember the first principle which formed the base of our power in India: it was a recognition of the Great Mogul as the sovereign lord of Hindoostan. It is true that, at the very moment we acknowledged the power, we were in fact ourselves successful rebels to it; but that is of secondary consequence: legal fictions are the bulwarks of law, and political forms are necessary with those who cannot justly appreciate the substance. Here, the preservation of an apparently dimmy form might have been turned to the best purposes. The pageant on the throne was impotent and despised, but the unqualified declaration that the occupant of that throne was the Suzeran of India, would have informed its rebellious vassals that their vassalage still existed, though the territory might be divided, the authority of lord paramount was indivisible; and that, however feeble the actual emperor might be, the successor would have the right of supremacy if he only had the power to enforce it.

Had we always acted up to this principle, our path might have been a little more rugged at first, but repose would have amply recompensed us at last. Princes might have acted more warily, but their power once broken, had been crushed completely. As it is, the authority of most of them is for every useful purpose extinct; for every vicious end it exists

in full vigour. Unable to destroy a prodigal noble, they can exercise unlimited tyranny over the wretched population. Interference to repress the crying enormities of the ruler we have given up all pretension to ; interference to repress the people's resistance to oppression we have engaged to exercise : witness frequently of misery at which humanity shudder, we have sold ourselves to support the authors of it : and pretending to freedom ourselves, we have taken away that last curb from the mouth of despots,—a dread of the just vengeance of an ill-used nation.

If, on the other hand, the independence of the proprietary only had been recognized,—if we had maintained, what was only fact, that all the great Mussulman rulers were delegates of, and owed fealty to, one supreme sovereign, or if we had even left matters to take their course, and held aloof from all unnecessary communication with them, not binding ourselves either to uphold, or to resist their claims, we should have been saved from a tortuosity involving frequent contradictions, and intrigues carried on at the expense of truth and honour, which, at one time, marked our conduct in this country, and made us appear to little advantage, even in courts where all simulation of virtue had long been held superfluous labour. Had their independence been denied, our arbitrations would have been an instrument of promoting happiness ; had we calmly held aloof, misgovernment and rebellion would have soon done their work, and made an opening for our assumption of power, unfettered by those ties which now render many of our exertions nugatory.

To interfere to redress wrongs which do not concern us ; to embroil our country in questions with which it has no connection, is a political knight-errantry, to which no one but a political Quixote would devote himself ; but when we have placed ourselves in such a position as to render the affairs of our neighbours no longer indifferent to us, what would otherwise appear an impertinent intrusion upon the concerns of other states, is merely a just attention to our own interests ; what seems an invasion of their rights, is merely a defence of our own. No person should place himself in a public situation who is not prepared to perform the duties of a public man. The moment in which he emerges from his privacy, he must cease to act solely for himself ; he has assumed a position in the world, and must fulfil the relative obligations which that assumption implies. So it is with the British in India. It is now idle to question the justice of our conquests, whether for good or evil, they have been made. We have, whether voluntarily or not, seized a place in the political scale : what that place is, it were a farce to pretend to be ignorant. As a realm of minor importance we might have found sufficient employment in attending to the wants of our own people : as immeasurably the most powerful empire in the east, we cannot avoid scrutinizing the conduct of Kings.

The first cause in which our power should be exerted is, however, one relating princi-

pally to our own subjects, and to that part of them whose very name, thank God, will ensure the attention of British rulers to any point in which they are concerned—I mean the mercantile community. For their benefit, and consequently for that of all our subjects, the transit of our goods through the territories of native independent princes should be placed on a better, or at least more intelligible footing. As I have before said, portions of their dominions intervene between different provinces of our empire, and between the body of our realm, and military stations on the frontiers. Occasionally, also, on the route through subsidiary states, a village must be passed, the lord of which will levy duty most mercilessly on any unprotected merchandize, but is scared from his prey by the appearance of even the smallest military escort. Perhaps in such cases the conduct of the little great man is more worthy of ridicule than of more serious notice ; but one part of it shews how easily the whole might be put an end to. After all, prerogative ought not to be trifled with. In arbitrary states taxation is a royal game, and he that unwarrantably plays at it, is little better than a robber ; though perhaps the stocks would be a better punishment for such offenders than the gallows. It is very certain at any rate that they should not be permitted to indulge their tastes ; for to say the least of it, they are very annoying ; and then if ever their descendants should increase their power, the record of the undisturbed exercise of a few such rights might materially embarrass a government.

It is useless to give freedom to our internal trade ;—it is useless to attempt to enrich any detached portion of our territory, if it is ever to be in the power of any petty prince to cut that portion of it from all external communication, and from all commerce with the main body of our dominions. This is of course viewing the matter in an extreme light, but the slightest concession on our part should be avoided, because it must pave the way for the exertion by him to whom it is made, of all the power he is able to employ against us. It should never be forgotten, that if the native is obsequious, even abject in adversity, he is as overheating in prosperity : we must not therefore, in entrusting power to them, consider so much what use they make of it now, as what use they will make of it, if ever our weakness should admit of their injuring us : the best thing, then, that can be done for trade is, to place it on a solid ground, and so to fence it in with well defined bulwarks, that all vexatious interference with it shall be impossible.

To effect this, our first business should be to collect accurate information on all points connected with the transit of our goods through the territories of native princes ; this would be best performed by inviting communications from the mercantile body, both to residents at the different courts, and to the various revenue officers, people are always so ready to state their grievances, that we may rest assured that not one real one would thus escape detection.

Acting on the information so procured, it should be the care of Government to make two explicit declarations to foreign rulers; one, a determination to resist the payment of transit duties to any but the officers of the sovereign himself of the country through which the merchandise might pass; the second, that it is our anxious wish to settle, on an equitable basis, the payment of such duties, or to give an equivalent; and that those courts which persist in refusing consent to such terms, must expect no assistance from us in any difficulties into which they may fall; on the contrary, that their interests will be opposed by us, as far as can peaceably be done—menaces are bad argument when addressed to the wise and the brave; but must occasionally be used to the weak and cowardly, and consequently are exceedingly proper in negotiations with most native princes.

Sovereigns then must be compelled to collect at once both for themselves and their vassals. Whatever sub-division of the spoil they may think proper to make among themselves afterwards, is a matter which concerns not us. This object gained, we shall have done a great deal. The next point is to settle, if possible, with the supreme power, for a relinquishment or reduction of the taxes, or at any rate, to establish an equitable and simple mode of collection. As the money so raised cannot be any great object, perhaps it would be quietly relinquished; if not, as the ridance of the annoyance is our principal aim, it would be well worth our while to pay something quietly to procure the concession.

If the negotiation should prove successful, I think that the following heads would include all stipulations necessary. Whether the duty be relinquished, reduced, or merely settled on a good footing, this form would equally answer every purpose. The only part that a difference of terms can affect, is the blank for the amount of percentage to be raised, and of course this must be filled up according to circumstances.

1. The British pledge themselves never to countenance smuggling. The prince may take import duties on British property for sale in his dominions; it is only those in transit that are to be affected by these stipulations.

2. The prince will tax British property in transit according to the rates and terms fixed in these stipulations; that for sale in his dominions he reserves a right to tax as he pleases.

3. The prince describes a convenient line of road, through which only goods in transit are to pass.

4. The prince names two convenient spots, (one at each frontier) at which his custom officers shall be placed.

5. Every species of property brought from the British territory, whether alive or dead, to be considered the property of British subjects, and coming under these stipulations.

6. A manifest of the goods certified on oath to be shewn to the custom officer at the first spot, who will levy in cash, or take satisfactory security for the usual duties levied on similar imports for sale.

7. A copy of the manifest, countersigned, to be given to the trader, with a receipt; who, on exhibiting them, with the goods, to the custom officer at the second spot, shall receive back from him all the duty paid, with the exception of a deduction of—per cent for every—miles traversed.

8. If, at either of the custom houses, good ground exists for a belief that the trader is practising fraud, the goods may be searched, or other means taken for detection; but commerce is not to be impeded upon frivolous and vexatious pretences.

9. The prince may fix what penalty he pleases upon the crime of smuggling; and persons guilty of it shall be delivered up by the British, if they have escaped into their territories.

10. Treble damages and costs to be recovered from any custom officer guilty of misconduct; and he is moreover to be incapacitated from serving again in that employment.

11. Offenders of both nations to be tried before a Court, of whom two shall be nominated by the British, two by the ruler, and a fifth chosen by lot.

12. Both parties pledge themselves in all doubtful matters to communicate with each other, and to act in a spirit of good faith and concord.

I am not aware what commercial treaties exist, but I am sure that, if any so simple are in being, they either do not affect this side of India, or they have not their provisions properly executed. The want of the universal adoption of such a measure is not an imaginary want, as those who travel with their eyes and ears open can aver. If then the subject is of importance, why delay attention to it? If it be insignificant, then have we a double reason for dispatch: the insignificance of the object would prevent any obstacles being thrown in our way now; whereas, if we wait till it shall be of more consequence, we may have to contend with avarice, and a thousand other passions.

MY DEAR SIR,—When I first addressed you on the subject which has formed my standing theme for the last few months, I imagined that eight or ten short letters would embrace all I had to say; but I find that I have already spun out twenty three, and, for ought I see, it would require as many more to bring me to the end. Under these circumstances, I think it as well to drop the pen at once; a resolution with which the public will I dare say be very well pleased: the best writers on such matters are set down as bores, what epithet then will be applied to the worst?

I should have conceived it unnecessary to make known to you this intention, as being of too little consequence, had I not thought that, to leave your columns without some explanation, would be but a poor return for your civility, in so readily receiving what I had hitherto forwarded to you.

I cannot, upon reflection, think that my proceeding with the subject would be productive of any good. Until persons far more able and more influential than myself shall have en-

listed on the side of the policy which I have too feebly advocated, such endeavours as mine will be a mere waste of time and labour: I feel it therefore better to withdraw from what appears an altogether fruitless pursuit.

I will not take up more of your attention; but, most sincerely thanking you for the frequent, long, and patient hearings you have

given me, and with the best wishes for the prosperity of yourself, and of your undertakings, subscribe myself, once more,

Your most obedient servant,

FOUNDLING.

P. S. I have written this explanation to *yourself*; if you think that it would be as well to publish it, you can of course do so.—F.

## SINGAPORE AND ITS AGRICULTURAL CAPABILITIES.

### LETTER I.

TO THE EDITOR OF THE SINGAPORE FREE PRESS AND MERCANTILE ADVERTISER.

SIR,—Believing that your distant readers will not be disinclined to find recorded occasionally, in the columns of your journal, notices of the present state and future prospects of this settlement, I am induced to offer you the result of such observations on its agricultural capabilities, as some attention to the subject has led to.

The island, in length about twenty-six or seven miles, and in breadth about half of that, is still, for the most part, a jungle, amidst which the Chinese and Malays who have settled in the interior, have cut paths, but little known to the European inhabitants, and little is known of the locality of the country by them beyond some two or three miles from the settlement, the greatest extent to which carriage roads have been opened. As until very recently the only existing roads, laid along the sea shore, through bodies of sea sand, and hard and cold clay, it was not to be wondered at to hear both inhabitants and strangers, during their evening drives, lament the barrenness of the country. But now that with great energy a canal is being made across the island, along which runs a magnificent carriage road, there may be seen a body of land, which bids fair to be a source of great prosperity to this commercial emporium. As the work proceeds, the canal drains large tracts, which in many places lying very low, are for the most of the year inundated and covered over by stately trees, which being very close, shut out the rays of the sun. But as the accumulated waters disappear, there is found a rich black vegetable mould, the decayed remains of the jungle for centuries, which, when brought under cultivation, will yield crops of sugar, coffee, cotton and other tropical products. The work now prosecuting having penetrated but a short distance into the interior, it would be hazardous to conclude that the portion of country laid open is a fair specimen of the whole island; but we may be permitted to assume that as it is diversified with hills and dales and plains, a fair proportion of good soil will be found and adapted to different crops. That the hills of this island are not without the means of giving life to and

sustaining a strong vegetation is sufficiently indicated by the dense masses of large trees and brushwood which cover their very tops; and they may retain for a long time the power of yielding abundance, if care be taken by the first settlers to leave a few of the largest trees, here and there, to protect the earth from being parched up by the sun and at the same time, to attract moisture from the clouds. It is but too well known by sad experience that regions within the tropics, formerly of great fertility, have become equally sterile by the removal of the trees which both shaded and moistened them. As the coffee plant thrives best on an undulating country, and requires to be shaded, this branch of agriculture is well adapted to meet this exigency.

The aspect of the land a little removed from the margin of the sea, along the north-east end of the island, commencing at Campong Glam, presents for many miles a perfectly level plain, well wooded, where the axe and fire have not prepared ~~the~~ for the numerous Chinese gardeners who have settled on the extensive tract between the town and the river Callan; but beyond that stream, there are but few cuttings in the jungle. This tract of country is composed of clay and alluvial deposits from the different streams which meander through it, and it is well adapted to sugar cane, plantations of which would derive great advantages from these watercourses for purposes of irrigation, and as means of transporting easily and cheaply to the shipping in the roads, or to the godowns of the merchants, the products of the plantations. Persons acquainted with the inconvenience of breaking off work in the middle of the crop to cart sugar to town, or with the expense of hiring the carting will duly appreciate the advantage of a water communication with the sea. As the canal already alluded to is intended to cross the island nearly centrally into the old Straits, it will afford the means of conveyance to a large portion of the settlers in the interior whenever an active population shall remove there.

### LETTER II.

Having briefly described that portion of the island to which I have had access, and as has already been said, the whole of it is reported by those who have penetrated into it through the jungle, to partake of the same general character, with the exception of BOOKIR TIMA,

which is a hill of some six or seven hundred feet above the level of the sea, I shall now proceed to state the prospects which, under liberal land regulations, would open to this island, where its plains and hills to be divested of the forest which now cover the most part of them,



and the soil be made to yield crops of products adapted to it, and fit for the use of man.

Sugar, coffee and cotton are, of all tropical commodities, those which enter most largely into the economy of life, and consequently, although constantly liable to fluctuate in their marketable value, are yet always easily convertible into money; and it is to the growth and manufacture or preparation of these staple articles that it would seem most natural to turn our attention in the first place. That the sugar-cane thrives well here will not be questioned, since considerable patches planted by Chinese gardeners may be seen in every direction out of the town, and the cane itself had in the bazar throughout the year, being used extensively by the natives as a fruit. These canes are of two kinds, purple and yellow, and they are both very fine specimens, for larger ones are seldom to be found: and what certainly bespeaks in favor of its adaptation to the soil and climate of the island, is the fact of its growing as luxuriantly on the hills as in the plains, the truth of which assertion may be ascertained by anyone who will, for instance, take the trouble to walk among the cane patches which cover a good part of the hill on the left of the road to New Harbour, opposite the Chinese cemetery. This hill, where it is bare, has a most sterile appearance from the road, and when one first observes fine fields of canes growing upon it, it causes not a little surprise; but on a near inspection of the soil, it is found composed of a deep red clay, which, by long retaining moisture, nourishes and invigorates it, nevertheless its very exposed situation to the hot winds which blow from the sea at certain periods of the year, viz: from June to August. If under such peculiar circumstances the sugar cane grows well, it is difficult to believe that it could not be made to yield as abundantly here as in other tropical countries, more especially when experienced planters shall introduce here the improvements in the composition of manure, rotation of crops, &c. &c. of all which have been attended with such great benefit to the planters of the other hemisphere.

The plain which extends from, and beyond the hospital, is here and there planted also with sugar canes, and although the Chinese gardeners are far from pursuing the most approved mode of preparing the land, to make it fit for planting, which operation they understand as little as they do that of manuring, yet no one who has been accustomed to see it grow under good circumstances in other places, will deny it the meed of praise to which it is justly entitled—and all circumstances duly considered, those I apprehend, who have examined the subject, will not incline to doubt the capabilities of the island to yield abundance of excellent canes.

In the remarks which have preceded, reference has been made rather to the nature of the soil than to the climate, and it is not proper now to allude to so essential a point.

Those alternate changes of temperature and seasons from heat to cold, and from months of dryness to months of constant rains: and

upon the duration and extent of which so much of the planter's fortune depends in the Colonies are, under a bountiful and beneficent arrangement of Providence, wholly unknown in the Straits. Here there are no seasons. The face of nature is ever refreshed by copious showers—vegetation is ever active—the forest and the field yield at the same time, and side by side young shoots, flowers and fruits—a deep glossy verdure spreads over the land the whole year, and marks it as a land over which the Dogstar shines, but shines innocuous. Its twinkling rays descend, but they bring neither drought nor fire, and nature is ever young. The same serenity reigns in the upper regions, and although at times, particularly when that interesting phenomena, the change of the monsoon takes place, when the atmospheric current vibrates from north east to south west, and again from south west to north east, the heavens may lower, and black massy clouds may send forth appalling peals of thunder—such peals as are to be heard only in equinoctial regions, yet the face of nature remains unscathed—the vivid electric fluid which precedes the awful sound that echoes amidst the cavities of these stupendous masses, but seldom descends to the earth, and the masses themselves soon dissolve in copious showers and gusts of wind, which, in their effect, are alike harmless on the land and on the water. Who has ever heard of a gale or a hurricane in Singapore? Certainly not the oldest residents nor the oldest natives.

These circumstances combine to make this a most felicitous place for agricultural undertakings, since the planter may sow and reap throughout the year, excepting perhaps for the latter purpose, January and February, when there is more rain than in the other months of the year. To the sugar planter particularly it is an unappreciable advantage, that of being at liberty to choose his own time to make his crop and to be released from the absolute necessity of working against time, as in the West Indies, for fear of the rains setting in perhaps earlier than usual, or as in Louisiana in the United States, from apprehension of the frosts of December. By these vicissitudes the planter is kept in fretful anxiety till the last cane is put to the mill, if peradventure, a sudden change of weather has not put an equally sudden stop to his work and deprived him of a good portion of his canes. Again, the total absence here of those dreadful tornados and hurricanes which whenever they rage destroy plantations and buildings, and reduce all to one common mass of ruin, insures to "him that planteth" a return for his labor. After the experience of one or two crops he may calculate with tolerable certainty, from the extent of his plantations, the quantity of product he will have to send to market. But not so with the planters of less favored regions, who are exposed in the course of a few hours to behold the fruits of their labor—their fond hopes and expectations, and alas! not unfrequently, their own families, torn away by the sweeping blast.

AGRICOLA.

## THE JUDICIAL SYSTEM OF INDIA.

REPORT OF CHARLES H. CAMERON, ESQ., ONE OF HIS MAJESTY'S COMMISSIONERS OF INQUIRY, UPON THE JUDICIAL ESTABLISHMENTS AND PROCEDURE IN CEYLON; DATED 31ST JANUARY, 1832.

(Concluded from page 14.)

## RECOMMENDATIONS.

I have now given your Lordship such an account of the judicial establishments and procedure actually existing in Ceylon, as will, I think, enable you to judge how far they fulfil their legitimate objects, and how far the reforms which I am about to suggest are really called for. I shall now lay my suggestions before your Lordship in the form of a series of recommendations, and I shall subjoin to each recommendation, or in some cases, to several taken together, the reasons which explain and justify them.

The recommendations themselves are expressed in general terms, the details being reserved for a charter, which, if your Lordship shall approve the principles of the recommendations, will repeal the charters now in force, and establish the supreme court upon a new plan, and an ordinance which will repeal the regulations of government, and other legislative instruments, under which the local courts now perform their functions, and create a uniform system of local judicatures throughout the island.

1. I recommend that, so far as regards the judicial establishment and the procedure according to which its functions are performed, complete uniformity should be introduced throughout the whole island.

It would be superfluous to enter into a discussion of the arguments in favour of establishing an uniform system of judicature throughout a territory which is subject to one and the same government. But it is proper on this occasion to remark, that the argument which is sometimes successfully urged against such a measure, has no application to Ceylon.

The argument I allude to is founded upon the attachment which mankind in general, and the oriental races in particular feel for systems which have been long established amongst them, and which are commonly connected with their religious opinions.

This argument, I say, has no application to the case of Ceylon; for the courts of justice in that island, and the forms of their procedure are, without exception, the creations of the British Government, and have not in the eyes of the natives any thing of the sanctity of religion or of antiquity.

A fairer field than the island of Ceylon can never be presented to a legislator for the establishment of a system of judicature and procedure, of which the sole end is the attainment of cheap and expeditious justice.

2. I recommend that every court of original jurisdiction throughout the island shall have exclusive jurisdiction\* over all causes, civil and criminal, and all questions of whatsoever kind, in which the intervention of judicial authority is necessary, which arise within the limits of its district, except only causes or questions in which the party against whom the proceeding is instituted in a court of justice, or a person acting in the matter complained of under the authority of a court of justice, and except such criminal causes as by the 19th recommendation are to be tried by a judge of the supreme court on circuit.

The usual practice of dividing judicial business among judicial functionaries, according to its nature, as civil or criminal, legal or equitable, &c. appears to me in all respects much less expedient than the division of it into integral portions according to districts.

1st. A greater number of functionaries is necessary in the former plan, for the portions into which judicial business must be divided, if the nature of the business be taken for the principle of the division, as never equal, consequently a local judge to whom one of the smaller portions is allotted, will not have enough to do, supposing that the larger portions are not too large for one judge. Thus in the actual circumstances of Ceylon, the provincial judges in general transact much less business than the sitting magistrate, so that if the latter are not overburthened, the former have not sufficient occupation.

2d. A greater number of suits must be instituted, a greater quantity of judicial machinery must be put in action, in order to attain the same end, and frequently one portion of the machinery must be employed only to impede the operation or to destroy the results of another portion.

3d. As it is not possible to mark out the boundaries of contiguous subjects of judicature, as precisely as the boundaries of contiguous districts, many more, and much more complicated questions of jurisdiction arise under the former plan, by which the time and money of the suitors are fruitlessly consumed.

This reason applies with the greatest possible force in a country like Ceylon, where the general ignorance of the natives prevents them from understanding technical distinctions, and where there are no practitioners, except

\* In the Ordinance by which this recommendation will, if approved by your Lordship, be carried into effect, it will be necessary to provide for the rare case of a judge of original jurisdiction being himself a party to a suit, which, under the general words of the recommendation, would be triable by himself.

in the capital, capable of directing one who is searching for a judicial remedy to which court he should apply, if the choice is made to depend upon such distinctions.

Though I propose to carry the principle of uniting the various judicial functions in one court to an extent which I believe is unexampled, yet the principle itself is no novelty in Ceylon; and I rejoice that I have it in my power to fortify my theoretical view of its merits by the opinion of Mr. Justice Marshall on its practical operation:

That learned judge, in speaking of the union of criminal and civil jurisdiction in the person of the sitting magistrate, expresses himself thus:—

“Indeed, I am inclined to think that the union of the two jurisdictions in the same person, supposing him to possess diligence and a good understanding is very beneficial to the natives, by referring them in all their little grievances of whatever description to the same arbitrator.”

“Another very material advantage derived from this combination of authority, arises out of the difficulty which so frequently presents itself of deciding whether the wrong complained of should be treated as a civil injury or a criminal offence; if the complainant mistakes his course, and applies to the wrong side of the court for redress, he is transferred to the other side, and his case may be heard at once, instead of his being driven to seek another tribunal.”

At first sight, the principle of the division of labour seems opposed to the plan which I recommend, but that principle applies only to cases in which practical skill is the object to be attained. Whenever theoretical knowledge is required, an acquaintance with all the branches of a subject is essential to the complete understanding of any one. It is universally admitted that an equity judge or barrister is made much more competent to the peculiar business of his court by an acquaintance with the common law.

The object of the first exception in this recommendation is to prevent the collision of co-ordinate judicial authorities.

Thus, if a mandate, in the nature of a writ of *habeas corpus*, issue from a court of original jurisdiction, and it appear upon the return that the prisoner is in custody under the authority of a co-ordinate court, the prisoner must be remanded without any examination into the legality of the commitment. The legality of the commitment can only be examined by means of a mandate from a superior court, under the 14th and 18th Recommendations.

The reason for the second exception will be found under the 19th recommendation.

3. I recommend that each court of original jurisdiction shall consist of one judge and three assessors.

That the assessors shall be chosen as the jurymen\* now are in the maritime provinces.

That the same individuals shall sit as assessors for one day, and for one day only at a time, unless the judge, for special reasons to be assigned by him in open court, shall otherwise direct, or unless the assessors require time to consider of their verdict, in which case new assessors shall be impanelled†.

That when the parties have concluded their pleadings, evidence and arguments, the judge shall sum up the evidence, and state his opinion of the law to the assessors.

Who shall thereupon give such verdict as any two of them can agree upon.

Which verdict shall be immediately recorded by the registrar, but shall not prevent the judge from giving a contrary decision, if he thinks fit.

That excepting so far as regards the binding effect of their verdict, the assessors shall have all the privileges of a jury.

A jury considered as the organ of a judicial decision, is an institution which it would be very difficult to defend. But considered as a portion of the public placed in an official station, which secures to it the respect of the judge, armed with power to interrogate the judge and the witnesses, and thus to acquire a complete knowledge of the cause, compelled by penalties to be present in court, and compelled to attend to the proceedings by the necessity of pronouncing a public opinion upon them, it is invaluable.

It is invaluable, I think, every where; but in our Indian possessions, it is, when coupled with the effective appeal which I shall hereafter recommend, the only check and the only stimulus which can be applied to a judge placed in a situation remote from a European public, and necessarily almost insensible to the opinion of the native public, with whom he does not associate.

In England, as the verdict of the jury is binding, it has been found necessary in civil cases to neutralize the effect of it by withdrawing the law as much as possible from their consideration, and by granting new trials as often as the Court thinks the verdict wrong. It seems to me, however, that when a judge, checked by the presence of a jury, differs from a jury, the presumption is very much in favour of the opinion entertained by the judge and, therefore, that his opinion ought to govern the decision, subject to correction by the appellate jurisdiction.

A new trial is certainly a very cumbrous, inconvenient and costly mode of correcting an erroneous decision upon the evidence which

\* I do not mean to pledge myself not to suggest any alteration in the mode of choosing the jury, but I have chosen to express my recommendation respecting assessors by reference to the mode of choosing jury men, because I thus make it evident, without embarrassing your Lordship with minute details, that the recommendation involves no invidious practical difficulty.

† It will sometimes happen, by the adjournment of cases which have been partly tried, that the trial will not take place before the same assessors. This is a defect; but I perceive no remedy which will not be productive of greater inconvenience.

has actually been received. Such a proceeding seems in reason to be only applicable to the case in which material evidence can be produced after the trial which, without any default of the parties, was not produced at the trial, and even in that case there is no expediency in re-commencing the examination of the whole case *de novo*, and thus putting the parties to risk, by the death of witnesses or the destruction of documents, of losing all the benefit of the evidence which has already been adduced.

I observe that in the Third Report of the Commissioners appointed to inquire in to the practice and Proceedings of the Superior Courts of Common Law, those very learned persons have proposed to obviate this last inconvenience, by providing that the rule *nisi* for a new trial shall express on what particular ground the new trial is applied for, and that the party in whose favour the new trial is granted shall always be precluded upon such trial from entering into any other part of the case but that upon which the rule *nisi* was obtained, unless he should be authorized to do so by the special permission of the Court, to be expressed in the rule absolute.

"This last regulation," the Commissioners observe, "would tend materially, in many cases, to diminish the expense of a second trial, and to make its operation more just and equal between the parties. It would also," they further observe, "materially diminish the number of motions for new trials, it being well known that such motions are often made upon grounds little connected with the real justice of the case, but which serve as pretexts for obtaining a second trial upon the general merits of the action." Third Rep. p. 40.

But this improvement will leave untouched the other objections the practice of correcting erroneous verdicts by granting new trials, all which will be obviated by placing the power of deciding in the judge, and leaving his decision to be corrected, as justice may require, by the appellate court.

I do not deny that in criminal cases, where the verdict of a jury, according to English law, is binding in substance as well as in name, much benefit has resulted to the administration of justice; but I am of opinion, that verdicts against the direction of the judge have, in general, been verdicts against law, and however desirable it may be that a bad law should not be executed, it is still more desirable that a bad law should not exist. The amendment therefore of the law is the true remedy in such cases, not the organization of a tribunal to obstruct its execution.

I trust your Lordship will not for a moment suppose that I am obtruding my opinion upon the reforms which may be expedient in English procedure; my only object is to give satisfactory reasons why, in recommending for Ceylon an institution in the nature of a jury for the trial of civil causes, I do not propose to imitate indiscriminately the English form of that institution, and, in doing so, I

am naturally anxious to avail myself of such high authority as that of the authors of the Report above quoted. That high authority is with me when I denounce the evil; it is not against me when I suggest the remedy; for it is obvious that there may be abundant reasons why those incidents of the trial by jury which I have proposed to alter or omit, could not be removed in this country without producing greater inconvenience, and consequently it cannot be inferred from the reverential moderation with which the Commissioners have touched the institutions of their native country, that they would have stopped at the same point, if they had been recommending measures for a people who have no attachment for the forms of judicial procedure existing among them.

4. I recommend that the pleadings shall consist of an oral altercation between the parties in open court, and that a minute thereof shall be made by the officer of the court under the direction of the judge.

5. I recommend that at the time of pleading each party shall state the names of the witnesses whom he intends to produce at the trial, and the matters which he expects them respectively to prove, and shall describe the documents which he intends to produce at the trial, and that a minute thereof shall be made by the officer of the court, under the direction of the judge.

6. I recommend that each party shall be subject to cross-examination by his adversary as to the statements made by him in pleading, and as to those relating to evidence, and that each party, if he desires it, shall be assisted by an advocate or proctor, who may examine him in chief, and cross examine his adversary as to their respective statements.

7. I recommend that no common subpoena or *subpœna duces tecum* shall issue to any witness at the suit of any party, unless the judge shall be satisfied by the *vivâ voce* examination of the party, that the person against whom the subpoena is moved for is a material witness in the cause, and that the documents to be mentioned in the *subpœna duces tecum* are material evidence in the cause.

8. I recommend that no motion which, according to the present practice, is grantable by the court upon affidavit, shall be granted, unless the court be satisfied by the *vivâ voce* examination of the person upon whose affidavit the motion would according to the present practice, be made, that the grounds of the motion are true.

9. I recommend, that when any person, not a party to the suit, shall be examined *vivâ voce* under the 8th recommendation, he shall be examined upon oath, and that when any party to the suit shall be examined *vivâ voce* under the 6th, 7th or 8th recommendation, he shall not be examined upon oath, but shall be liable to punishment under the 11th recommendation.

10. I recommend, that all *vivâ voce* examinations shall take place in open court, except that if the judge shall be satisfied by the *vivâ*

such examination in open court of the proctor of a party with or without the *visâ voce* examination of other witnesses in open court, that such party is unable to attend the court, and that irreparable consequences are likely to result from delay, he may permit such party to be examined by commission, and that if the judge shall be satisfied by the *visâ voce* examination of a party with or without the *visâ voce* examination of other witnesses in open court, that a witness is unable to attend the court, he may permit such witnesses to be examined by commission.

11. I recommend, that at the termination of the suit, the judge, taking and recording the opinion of the assessors, shall punish by fine or imprisonment, or both, any party to the suit who in his, the judge's opinion, whatever may be the opinion of the assessors, shall have been guilty of an attempt to pervert or obstruct the course of justice.

12. I recommend the total abolition of all stamps upon legal proceedings, and of all fees of Court.

13. I recommend, that the expenses of the witnesses on both sides in all cases shall be paid by the public.

The connection between these eight recommendations may not at first sight appear quite obvious; but I have found it convenient, in order to avoid repetitions, to state together the reasons which appear to me to justify them.

I shall begin by remarking, that the general ignorance and mendacity of the natives, and the want of any competent legal practitioners, except in the capital, render it necessary for the ends of justice, that in Ceylon a great deal of legal business which in more highly civilized countries is usually transacted by the parties, their counsel and attorneys in private, should be transacted in open Court, with the assistance and under the superintendence of the European Judge.

The moral and intellectual condition of the natives is such, that the European Magistrates who is to distribute justice among them, can only do so effectually by the exercise of something like a paternal authority; he must allow the parties themselves to come and relate their own story to him; he must be council for both parties, that is, he must be council for each so far as each appears to have truth and justice on his side; he must assist them in putting their statements into that form which will show whether there is really any question between them requiring for its decision the examination of witnesses or documents, or a more deliberate consideration of the law applicable to their case, and which will also show at any future time precisely what it was which, upon that occasion, *transiit in rem judicatam*.

In England no judicial operation is performed upon the raw material of a suit until it has undergone a very elaborate process of addressing, after which it is presented to the consideration of the judge in the pleadings

or in the speeches of counsel; stripped of irrelevant matter, and reduced to one or more distinct questions of law or fact, to which question only arguments and evidence are to be applied.

Whatever may be thought of the merits of this system in England, where there is a large body of professional men whose skill and knowledge is scarcely inferior to that of the judges themselves, and where the evils arising from secrecy are much diminished by moral restraints, it is totally inapplicable to that state of society in which the Europeans in Ceylon are called upon to exercise the judicial function.

Such is the total disregard of veracity among the natives, that not only are the statements of the opposite party denied in pleading, in the hope that his proofs may fail; not only are false statements made for the purpose of delay, without the intention of supporting them by evidence, but, according to the universal opinion of Europeans and the admission of many natives, such statements are habitually made with the deliberate purpose of imposing them upon the court for truth, by means of forged documents and perjured testimony.

A consultation, then, between a native suitor and his native legal adviser has not in general for its object the presenting his case, such as it really is, in the most favourable point of view which the rules of law permit. It is too often a conspiracy to commit every species of crime which may conduce to the objects the party has in view; and, this, too, whether that object itself be just or iniquitous.

It may not be possible to prevent such conspiracies from taking place; but it is certainly possible to prevent in a great degree the evil effects of them, by bringing the whole suit, from beginning to end, before the European judge and the public, by never suffering the authority of the Court to be used for any purpose whatever until the party who invokes it has been personally examined in open Court, and has thus satisfied the judge that the grounds of his application are true and sufficient.

Under the present system, the pleadings are in writing, and are prepared in secret by the parties and their respective advisers. No measures are taken to ascertain whether the parties believe themselves the allegations they make. No punishment is inflicted upon a party who makes an allegation knowing it to be false. The pleadings are as deficient, too, in preciseness and regularity as they are in veracity. It even appears that the system which I am recommending to your Lordship has sometimes been already adopted in practice from absolute necessity. Mr. Drieberg, a proctor of the provincial court of Colombo, states, that "the proceedings in this court are so simple and void of formalities, that the poor natives get the pleadings drawn by private persons, sometimes by the clerks and volunteers in the office of the court, or by whomsoever they can get it done cheaper or gratis,

which sometimes are so unintelligible, that the judge on the day of hearings, not being able to comprehend them, taken down the verbal statement of both parties, and then inters into evidence, to do which, he adds, requires much time and patience, as it is difficult to get from a native a direct answer to any question."

I do not at all doubt the correctness of the latter part of this statement; but I think that the end to be attained by oral pleading is well worth the time and patience required, provided the parties are made aware that any attempt to embarrass or mislead the court will meet with certain punishment.

The parties endeavour to deceive the Court now without scruple, because whether they are successful or not in the attempt, they are sure of impunity.

It is to be observed that Mr. Driberg is here speaking of the provincial Court of Colombo, where such suitors as can afford it, may obtain the assistance of European prosecutors, an advantage from which the suitors in the other provincial Courts are debarred.

Since integrity and knowledge then are to be found only in the judge, the pleading, if it is to be of any use at all, must take place in his presence. The parties must be examined by him, and cross-examined by each other. The judge must assist the parties with his advice in putting their statements into regular form. It appears by the year-books, that when the pleadings in England were oral, the English judges used to do so; and on such applications as are made by motion, the granting or refusing which is in the discretion of the Court, they are still in the habit of suggesting to the parties that course by which his object may be best attained consistently with the interests of justice.

The advantages of precision, and of adherence to forms in pleading, are very great; and the neglect of them has brought cheap and summary modes of proceeding into disrepute. But those modes of proceeding are by no means incompatible with adherence to forms, provided only the judge be learned and practised, and the forms palpably and directly pointed towards the real end in view.

By means of oral pleading, all that time and money will be saved to the suitors which they now waste in preparing to prove or disprove matters which there is no real ground for contesting, and which an examination of each party by an impartial judge, and by his adversary, would show that there is no real ground for contesting.

By means of the seventh recommendation, subornation of perjury and forgery of documentary evidence, crimes of which the frequency strikes every European with horror, will be rendered comparatively difficult. By that part of it which regards subpoenas, that monstrously abusive practice, now so common, of summoning a multitude of immaterial witnesses for the purposes of afterwards moving for delay on the ground of their absence,

will be in a great degree, if not entirely, prevented. As regards the interest of the witnesses, too, the abusive exercise of that power, which must be granted to every man of compelling other men to leave their own business, and repair with any documents in their possession to a court of justice, must, if this regulation be adopted, be of very rare occurrence.

The advantage of *vivâ voce* examination and cross-examination, as a mode of ascertaining facts over the mode by affidavit is, I believe, universally admitted; and I shall only remark, that in the East the difference between the two, in respect of their probative force and their tendency to prevent perjury, is far greater than in Europe; because, from the defect of moral principle among the Indian races, the frequency of perjury depends almost entirely upon the chance of escaping detection.

In England, however, where actions arising in all parts of the country are brought in the courts at Westminster, all the facts of which the proofs is necessary to justify the court in lending its authority to a suitor, except only those which are proved at the trial, are proved by affidavit, because the advantage of having them proved by *vivâ voce* evidence would be overbalanced by the inconvenience the parties would suffer if they were obliged to come to Westminster every time that it may be necessary in the course of a suit to make an application to the court. But whenever the whole suit is conducted at the same place where the trial is had, this argument in favour of affidavit evidence has no application.

It is indeed one of the great advantages resulting from the system of local judicatures that, except in the rare cases of sickness or unavoidable absence, every person on whose testimony the court is obliged to rely from the beginning to the end of the suit, may without overbalancing inconvenience, be made to undergo personal examination by the judge and the opposing party.

To guard against falsehood, prevarication, and every sort of attempt to pervert the course of justice, I have proposed to invest the judge with the power of imposing fines at the termination of the cause; and, at the same time, I have recommended the abolition of all fees of court and stamps upon legal proceedings.

These are in reality fines which fall indiscriminately (always in the first instance, and sometimes ultimately) upon the honest and dishonest suitor, upon the oppressor and his victim. Even under the present system, where it works as one must suppose its inventors intended it to do, such fines are really paid, although not *eo nomine*, by the party who is found to be in the wrong. They consist of the fees and stamps upon his own proceedings and those upon the proceedings of his adversary, which he is made to reimburse under the name of costs. The question, therefore, which the judge will have to decide, viz., who is to be fined? will be no other in substance than the question which he now

has to decide, viz., who is to pay costs? but the fines, instead of operating, as they now do, to deter those who are seeking to protect their rights by legal proceedings, will operate only to defer those who use such means for purposes of fraud and oppression.

It is very important to remark, too, that when fines upon the misuse of legal proceedings are disguised under the name of costs, they no longer bear the appearance of a punishment; they are not apportioned, as they ought to be, to the wealth and the delinquency of the party fined, and they do not bring upon him any of that obloquy which ought to be attached to his conduct.

With regard to any portion of revenue which may be lost by the alteration I suggest, it can be that portion only which constitutes a tax upon oppressed innocence, and I apprehend that no legislator would ever have thought of proposing such a tax, if its iniquity had not been concealed from his view by being mixed up with the general mass of tax upon law proceedings from which it is, by the proposed plan, distinctly separable.

Moreover, inasmuch as the fines to be imposed by the Court will be regulated in amount by the delinquency of the party on whom they fall, and his pecuniary ability, the revenue derived from this source may very possibly not be diminished at all. Any future reduction of it can only take place by the diminution of that species of crime which consists in the abuse of legal proceedings, an effect which would amply compensate the government and the community for the pecuniary loss.

To call the abuse of legal proceedings a crime, seems almost like an innovation in language, yet in the primitive days of jurisprudence there are traces of punishment denounced against such conduct. Such was the fine *pro falso clamore* in our own ancient system. But in latter times it seems to have been thought impossible to separate the abuse of legal proceedings from the legitimate use of them, and the fine has been imposed not *pro falso clamore*, but simply *pro clamore*. The suitor has been visited with a pecuniary mulct for telling his story to the tribunal appointed to redress his grievances, and at the same time stamps and fees of Court have been defended upon the alleged ground that they discourage vexatious litigation, whereas in truth they discourage litigation in general, when the party desirous to litigate is poor, and where the party is rich, they encourage vexation by rendering a law-suit a more efficient instrument of oppression.

The object to be aimed at is, that the services of the tribunals should be afforded gratuitously to those who ask them *bonâ fide*, but that those who ask such services *malâ fide* should not only not receive them gratuitously, but should be made to pay a heavy penalty for the abusive exercise of an essential privilege.

If the attainment of this object, or a reasonable approach to it, were impossible, it would

not follow that the indiscriminate infliction of fees and stamps is defensible, but in reality there is no impossibility in deciding when the proceedings are terminated, whether any party has availed himself of the services of the court honestly or fraudulently, provided at every step those means be adopted which are admitted in other cases to furnish an effective criterion; consequently there is no good reason why any man should be punished for suing or defending himself honestly, or why any man who sues or defends himself dishonestly, should escape with impunity. As vexatious law proceedings are one of the most common modes by which the native of Ceylon seek to gratify their malignant passions, the practical application of the principles in that country is of the utmost importance, and this must be my apology to your Lordship for the length of the present discussion.

The reasons why I have preferred the imposition of fines at the termination of the cause to the administration of an oath, and the consequent penalties of perjury, in the case of the examination of a party to the suit, are as follows.

The parties to the suit being before the court from the beginning to the end of the proceedings, and having the opportunity of offering all the evidence and arguments which can throw light upon their own statements, the matter of defence for a party to the suit suspected of endeavouring to mislead the court is not, as the matter of defence for a witness accused of perjury often is, extraneous to the suit; the judge, therefore, at the termination of the proceedings, is in a condition safely to exercise his discretion in fining the party, as he in fact now exercises it in deciding the matter of costs, without the delay and inconvenience of a separate trial upon the incidental question. But even if this were not so, I should be very unwilling to recommend the administration of an oath in Ceylon in any new case. The oaths administered to the votaries of the various religions prevailing in that island, are for the most part accompanied by minute and superstitious ceremonies, the effect of which is to keep out of view the great moral duty of veracity. The anger of the gods is supposed to light, not upon the man who falsely swears away the life or property or reputation of his neighbour, but upon the man who swears falsely after he has stepped over part of his own dress, or tasted the water of the sacred river. In most cases, too, the oath is administered not by an officer of the court put by a priest. When the witness is a Bhoodhist, it is administered in the temple after the evidence has been given in court, and it is not to be doubted that by a little management in the ceremony, false testimony may be procured without loading the conscience of the witness with the guilt of perjury.

Keeping constantly in view the principle, that just litigation is to be encouraged, and unjust litigation discouraged, I have recom-

mended that the expenses of witnesses in all cases shall be paid out of the fund created by the fines.

It is certainly the duty and the interest of government (in the East, it is most emphatically so) to provide for the complete administration of justice at the public expense; and I know of no reason why an honest suitor should be made to pay the expenses of those witnesses who are to prove his case, any more than to pay the salary of the judge who is to hear it, except it be true that the waste or misuse of the services of a judge by the suitors can be restrained, and that the waste or misuse of the services of witnesses cannot. It is unquestionably true, that under the circumstances of Ceylon, this waste and misuse of the services of witnesses is carried to an enormous extent. Your Lordship has already seen, upon the testimony of Mr. Justice Marshall, that in the criminal proceedings before the supreme court, the prisoners whose witnesses are paid by the public, frequently summon upwards of 100, who know nothing whatever of the matter in question; but this glaring abuse, inasmuch as no attempt is made to check it, furnishes no argument against the provision recommended in the 13th recommendation, when coupled with the securities recommended in the 7th recommendation.

When it is considered that under the present system, the provincial judges are not intrusted even with the power of rejecting irrelevant evidence in appealable cases, it may be thought that too much power and discretion is given in my plan to the judges of original jurisdiction; but if I have increased the power and discretion of the local judges, I have increased their responsibility in a still greater degree by the regulations regarding assessors, which I have had the honour to submit to your Lordship, and by the regulations regarding appellate jurisdiction, which I am about to recommend. I have substituted the restraint imposed by the sense of responsibility, which adapts itself to the circumstances of each particular case, for the restraint imposed by inflexible rules, by which the progress of every case towards a just decision is obstructed, and that of many cases stopped entirely, in order that the remainder may be protected from judicial malversation.

It may also be supposed that when the whole suit is thus brought in its rude state before the judge, so much time will be consumed in performing those operations in court which are now performed without any judicial superintendence, that a greater number of functionaries will become necessary to transact the increased business.

It must be remembered, however, that when the legal adviser of the party draws the pleadings and prepares the evidence to support them in secret consultation with his client, it is by no means his interest to present the case to the court in such a form as will facilitate a speedy adjudication upon the merits, but rather to present it in such a

shape as will increase to the greatest possible amount the burthen of proof resting upon the opposite party, and thereby to waste the time of the judge in superfluous investigations. I believe, therefore, though upon this point it is impossible to speak with perfect confidence, that the time which the court will have to bestow upon a suit will, on an average, be less under the proposed plan than it now is.

But however that be, the prevention of injustice, and of those crimes by which in Ceylon injustice is perpetrated through the forms of law, is an object of such extreme importance, that I should earnestly recommend the plan under consideration to your Lordship, though some sacrifice of time and of public expense might be necessary for its accomplishment.

Even in this country the evils of which I am speaking are not unfelt. The Commissioners for inquiry into the Practice and Proceedings of the Superior Courts of Common Law have pointed out their existence, and have suggested remedies for them. But in Ceylon, where crimes of so deep a dye as perjury and forgery are as common as the more venial arts of chicanery are in European countries, the interests of morality imperiously require the total reform of a system which affords scope and temptation to the commission of such enormities, and I sincerely believe that a court of justice well constituted, and taking the legal affairs of the people completely under its supervision and protection, would be a more efficient instrument for the eradication of their prevailing vices than any other which a European government can apply to that most essential purpose.

It must not be forgotten, too, that a native of low caste has no chance of obtaining redress against his superiors but through the medium of Europeans. The English judge, under the present system, may indeed take care that justice is done to him when his case has been proved in court; but who will advise him as to all the steps he must take before he reaches that point? Suppose a Rhodiah, a man accounted so vile that his countrymen will not endure that he should serve them as a slave; suppose such a degraded creature to have received something which even his broken spirit can feel as an injury, to say that the courts, as they are now constituted, are open to such a man, is no better than a most cruel mockery.

I do not indeed hope that any institution which human ingenuity can devise will remedy the inequalities which the pernicious system of caste has added to those existing by nature between man and man; but I cannot doubt that the spectacle of a European judge listening in public with attention and kindness to the complaints of the degraded races, and instructing them in their legal rights, and the means of enforcing them, would gradually eradicate the absurd and hateful prejudices by which the common feelings of human na-



ture are prevented springing up in the breasts of our Indian fellow-subjects.

I trust I shall be pardoned for making in this place a remark which has often pressed itself upon me. That the peculiar circumstances of Ceylon, both physical and moral, seem to point it out to the British Government as the fittest spot in our Eastern dominions in which to plant the germ of European civilization, whence we may not unreasonably hope that it will hereafter spread over the whole of those vast territories.

14. I recommend that an appellate jurisdiction of the most comprehensive kind over all the courts of original jurisdiction in all parts of the island shall be vested in a circuit court of appeal, which shall consist of one judge of the supreme court and three assessors, which assessors shall be chosen in the same way and shall perform the same functions as the assessors in the courts of original jurisdiction.

15. I recommend that the supreme court shall consist of three judges, a chief justice, and two puisne judges, who shall however never sit together, except for the decision of such points of law as any of them may have thought it necessary to reserve in deciding the cases submitted to them on their circuits, under the 18th and 19th recommendations.

16. I recommend that, for the purposes of the appellate jurisdiction mentioned in the 14th recommendation, the whole island shall be called the Northern, Eastern and Southern Circuits, Colombo being the central point where the three circuits meet.

17. I recommend that a judge of the supreme court shall go on each circuit twice every year, but so as that there shall be always one judge of that court remaining at Colombo, and shall remain at such places in his circuit and for so long a period at each place as may be necessary for the purposes of justice.

18. I recommend that such judge shall hear in the circuit court of appeal all applications for redress against all decisions, whether interlocutory or final, of the courts of original jurisdiction, and shall, according to what the justice of the case may require, try the cause over again wholly or in part, or re-hear the arguments of the parties upon points of law, and shall do generally whatever may be necessary for the attainment of substantial justice.

In the plan which is sketched in the above recommendations, I have endeavoured to unite the advantages to obviate the disadvantages of the two different modes which have been devised for bringing justice within the reach of the suitors; I mean the mode by itinerant and the mode by local judicatures.

The expediency of local judicatures, always ready to receive the complaints of the people, cannot be disputed, provided, first, that the opinion of a public whom the judge respects, can be brought to bear upon him; for unless

this can be done, his court is an open court only in name, and all the evils of secret judicature may be expected.

Secondly, that there be some means of preserving the unity of the law, which cannot fail to be impaired by the decisions of a number of independent judges, even though they should be animated solely by that public spirit which is kept alive by the substantial publicity of the tribunals.

The latter purpose might perhaps be attained at the cheapest rate by means of an appellate tribunal resident at Columbo to which the records of cases tried by the court of original jurisdiction might be transmitted by the post, but such a tribunal could not be effectual, even for this purpose, unless a much greater degree of method regulated the proceedings of the local courts than is now the case; and it would be almost powerless for the still more important purpose of impressing upon the local judge the consciousness of unremitting supervision, and upon the suitors in this court the assurance that their just complaints will be attended to and redressed.

This will, I hope, be accomplished as completely as the state of society in Ceylon will permit, by the recommendations respecting assessors, and by sending the appellate judge periodically to the places where the causes were originally tried, and thus giving the parties and their witnesses the same cheap and easy access to him as they had to the judge of original jurisdiction.

19. I recommend that the judges of the supreme court on their circuits shall continue to try in the Maritime provinces such crimes as they now try, and with a jury constituted as the juries now are, and shall try the same crimes in the Kandyan provinces with a jury constituted in the same manner.

I shall not trouble your Lordship with any other reasons for this recommendation than the good effects already produced in the Maritime province by the institution of juries, the attachment of the natives to it, and the propriety of distinguishing the trial of the graver crimes by some more solemn and impressive proceeding than is used in other cases.

20. I recommend that the powers and duties of the advocates-fiscal and deputy advocate-fiscal shall be exercised in the Kandyan provinces, so far as regards procedure, as they now are in the Maritime provinces.

21. I recommend that the judges of the supreme court shall have no original jurisdiction, except that specified in the 19th recommendation.

When an itinerant court exercises an original jurisdiction, all the proceedings preliminary to the trial must either be carried on, as in England, at the capital where such court has its permanent station, or there must be resident in each district an officer exercising many most important functions, both material and judicial.

The former plan is, I believe, universally admitted to be impracticable in Ceylon.

The latter is sanctioned by the very high authority of the Chief Justice, as will be seen in his draft of a charter, where he recommended that the Magistrates who are, as he proposes, to have criminal jurisdiction over "all inferior offences, breaches of the peace and disorders against the police," and civil jurisdiction over causes, in which the amount in dispute does not exceed 25*l.*, shall superintend the proceedings preliminary to the trial of those causes in which a greater amount is in dispute, and which are to be tried by the Supreme Court on circuit.

\* My objection to this argument is, that the common division of causes into those of large and those of small amount, on which it is founded, is both unreasonable and invidious. A Magistrate who is competent to try the one sort is competent to try the other, the division is therefore unreasonable; and as causes of large amount are generally the causes of the rich, and causes of small amount are generally the causes of the poor, it is invidious to refer the latter to a tribunal which is stigmatized as unfit to try the former.

The chief justice's plan might indeed be extended to all cases without reference to the value in dispute; but if there are to be local functionaries of talents and respectability, which render them competent to adjudicate all the questions which arise in the process of preparing a cause for trial or hearing, I think it is clearly expedient that they should also have the power of deciding the cause in the first instance, and that the functions of the metropolitan judge should be confined to those of an appellate judicature, it being always understood that I speak of an appellate judicature, from appealing to which there is nothing to deter the suitor but the fear of being fined if his appeal turns out to be vexatious.

I think this is clearly expedient, because it saves time whenever the parties are satisfied that the cause has been fairly tried by the local Judge, and because in all cases it obviates the irreparable evil which may be occasioned by the death of witnesses, or the loss or destruction of written proofs between the period at which the cause is ripe for trial, and the arrival of the metropolitan Judge in the district where it arose.

My reason for recommending that the original civil jurisdiction now exercised by the Supreme Court in the district of Colombo shall be abolished, is that I apprehend that the appellate jurisdiction of the whole island, and the general superintendence which, by recommendations 22 and 23, I propose that this court should exercise in addition to that exercised by way of appeal upon the motion of a

party, will be amply sufficient to occupy the time of all its Judges.

22. I recommend that the Judges of the Supreme Court, whether at Colombo or on circuit, shall receive applications in writing from the Judges of original jurisdiction for advice upon all matters of law and practice, and shall return answers in writing thereto.

23. I recommend that each Judge of the Supreme Court, whether at Colombo or on circuit, shall hear motions for mandates in the nature of writs of habeas corpus, mandamus and prohibition, and shall do thereupon what justice may require.

24. I recommend that no Judge or court shall hear motions for injunctions to prevent a party from seeking or pursuing his remedy in other court.

The reason of this negative recommendation is, that according to my plan, every matter which would be sufficient to authorize the Judge to grant an injunction to prevent a party from suing, for example, in a court of original jurisdiction, will be sufficient, when brought before such court of original jurisdiction, to authorize the court to give a judgment having the same effect as an injunction not to sue. The principle on which the recommendation rests is, that every court of original jurisdiction should have, by law, the power of doing justice in every case, and consequently that, so long as the proceedings of such a court are free from error or malversation, there should be no power in any other court to thwart or control them either directly by interference with the court, or indirectly by interference with the suitor.

25. I recommend that the Judges of the Supreme Court shall look over the records of the courts of original jurisdiction, and in case they shall observe that the law has been laid down differently, or that the practice has varied in the different courts of original jurisdiction, shall take a note thereof, and shall consult together thereupon, and shall draw up a draft of such a declaratory law as the case may seem to them to require, and submit the same to the Governor, who shall thereupon pass, with the usual legislative forms, such law as the case may seem to him and to those who may partake with him in the legislative function, to require, without prejudice however to the right of the Governor, and such persons so partaking with him in the legislative function, to legislate upon these, as upon all other subjects, without such recommendation.

The expense of the actual judicial establishments, described in the first part of this Report, is 36,245*l.*\*; and I cannot under-

* Annual expense of the present Judicial Establishment of Ceylon.		
	£	s. d.
Supreme Court.....	13,030	18 —
Provincial Courts.....	8,507	11 6
Magistrates' Courts.....	6,009	15 6
Judicial Commissioner, Kandy.....	2,443	14 —
Magistrate, Kandy.....	345	—
Judicial Agent, Kurunegalle.....	272	14 —
Half of the fixed Establishment of agents of government.....	2,919	10 —
Contingencies fixed.....	538	7 2
Contingencies unfixed.....	826	6 6
Circuit of the Supreme Court.....	672	4 3

Total per Annum..... 36,245 — 11

\* This objection does not apply to the decision of criminal causes according to the gravity or levity of the accusation; the correct decision of the former being really more important to the public welfare than that of the latter. On this account and in consideration of the predilection which I believe to be entertained by the natives for the criminal jurisdiction of the Supreme Court as it now exists, I have preserved it by Recommendation 19.

take to say that justice can be effectually administered to 800,000 people at a much cheaper rate; but I can pledge myself that the sum required for that purpose, if my views should meet your Lordships' approbation, will not exceed the amount of the present expenditure.

The mode of educating the gentlemen who are to fill the judicial situations is a subject which cannot be separated from that of educating the Civil Servants in general, and which therefore cannot conveniently have a place here.

I have written the greater part of a Report upon the Laws of Ceylon, as distinguished from the rules of procedure; but that particular portion of them which regulates the labour extorted by force from the natives,

appears to me of so much greater immediate importance than any other, that I propose to lay my opinions upon it before your Lordship as soon as possible.

I have touched upon the subject in this Report (it obtrudes itself at every step upon an inquirer into the condition of Ceylon), but its connection with judicial establishments and procedure is not of a nature to have justified me in entering into those details which, from their own importance, are deserving of your Lordships' most attentive consideration.

C. H. CAMERON.

London, 31st January, 1832.

To the Right Honorable Viscount GODERICH,  
&c. &c. &c.

## DUTCH TREATY OF 1824.

It is now fast approaching a period of twelve years since the signature of this important Treaty between their Britanic and Netherlands Majesties—a Treaty which has to compose the differences, lull the jealousies and suspicions, and allay the irritation which ages of rivalry in the Eastern seas had produced between the two nations—and this desirable consummation was to be effected no less by the exchange of territory agreed to in the Treaty, than by the provisions it was intended and supposed to contain for placing the commerce of both in the East upon a footing mutually beneficial, by establishing a principle of reciprocity in their commercial relations. In the arrangements about territory, comprised in the Treaty, we see nothing to remark or deprecate—but, with respect to those stipulations which refer to commerce, whether from superior diplomatic tact on the part of the Dutch plenipotentiaries—whether from the use of vague and comprehensive terms, which allows the means of nullifying or evading their true sense, or whether from apathy on the part of our own government in subsequently enforcing their due observance by the Dutch, we have no reason to congratulate ourselves on that portion of the Treaty. As regards our commerce with the Dutch possessions in the East, the Treaty has in fact accomplished nothing, or something worse; and, with all the disposition, the Dutch seem to have been, or to have considered themselves, left by it, with all the power they formerly possessed, to impose duties at discretion upon British trade, without the slightest regard to those terms upon which they have been allowed, according to the Treaty, to conduct their trading operations in the ports of British India. That such a state of things, the very opposite of that reciprocity it proclaims, should have been intended by the Treaty, would we think be absurd to suppose; are we then to conclude that such a position of affairs involving a de-

parture from the terms, or a violation of the spirit and principle of the Treaty, has continued up to the present time without attracting the interference of our legislature, or inducing a single effective representation on the subjects!

Before, however, proceeding further in our remarks, we think it right to lay before our readers those articles of the Treaty to which we have been referring:

*Article 1st.* “The high contracting parties engage to admit the subjects of each other, to trade with their respective possessions in the Eastern Archipelago, and on the continent of India, and in Ceylon, upon the footing of the most favored nations; their respective subjects conforming themselves to the local regulations of each settlement.

*Article 2d.* “The subjects and vessels of one nation shall not pay upon importation or exportation, at the ports of the other in the eastern seas, any duty, at a rate beyond the double of that at which the subjects and vessels of that nation to which the port belongs are charged.

“The duties paid on exports and imports at a British port, on the Continent of India, or in Ceylon, on Dutch bottoms, shall be arranged so as in no case to be charged at more than double the amount of the duties paid by British subjects, and on British bottoms.

“In regard to any article upon which no duty is imposed, when imported or exported by the subjects, or on the vessels, of the nation to which the port belong, the duty charged upon the subjects or vessels of the other, shall in no case exceed six per cent.”

If it is not easy to perceive how these articles, taken together, could without the assistance of a quibble or an evasion, receive any

## DUTCH TREATY OF 1824.

interpretation or construction which did not plainly infer a principle of commercial reciprocity, it becomes still more difficult to allow any thing else, when the preamble of the Treaty is considered in conjunction with the notes addressed to each other by the plenipotentiaries of the respective powers before its signature. The preamble is as follows:—

“ His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, *desiring to place upon a footing mutually beneficial, their respective possessions, and the commerce of their subjects in the East Indies*, so that the welfare and prosperity of both nations may be promoted, in all time to come, without those differences and jealousies which have in former times interrupted the harmony which ought always to subsist between them &c. &c.”

The note of the British negotiators is conceived in such spirit as the following, viz :

“ In proceeding to the signature of the Treaty which has been agreed upon, the plenipotentiaries of His Britannic Majesty have great satisfaction in recording their sense of the friendly and liberal spirit which has been evinced by their Excellencies the plenipotentiaries of His Netherlands Majesty ; and their conviction that there is on both sides an equal disposition to carry into effect, with sincerity and good faith, the stipulations of the Treaty, in the sense in which they have been negotiated.”

“ They willingly acknowledge the readiness with which the Netherlands plenipotentiaries have entered into stipulations, calculated to promote the most perfect freedom of trade between the subjects of the two crowns, and their respective dependencies in the Eastern Archipelago.”

“ They feel assured that under the arrangement which is now concluded, the commerce of both nations will flourish, and that the two allies will preserve inviolate in Asia, no less than in Europe, the friendship which has from old times subsisted between them. The disputes being now ended, which, during two centuries, have occasionally produced irritation, there will henceforward be no rivalry between the English and Dutch nations in the East, *except for the more effectual establishment of those principles of liberal policy which both have this day asserted in the face of the world.*”

The Dutch plenipotentiaries are less eloquent and much more reserved, in their reply, upon the freedom of commerce which the British so readily proclaim, but their acknowledgment of its principle is sufficiently obvious in what follows:—

*The essential aim and principal tendency of the treaty is evident to all who read its different articles with attention. What is therein expressly stipulated ought to suffice for the removal by common consent, of all uncertainty which might present itself in the sequel.”*

“ The seventh article\* contains an exception to the *general principle of liberty of commerce.*”

“ It only remains for the undersigned to unite their wishes with those of their excellencies that their respective agents in their Asiatic possessions, may ever shew themselves sensible of the duties, which two friendly nations *animated with truly liberal views*, have to fulfil, both with reference to each other, and also towards the natives whom the course of events or treaties have placed under their influence.”

What could be added to all this in order to give better assurances for the future than it holds out ! A British public were surely entitled to expect, from such liberal professions and lofty announcements, that some beneficial change in our commercial relations with the Dutch Eastern possessions had been carefully provided for, and would accordingly take place. But what after all ensued ! At the very time the negotiations were pending which ended in the Treaty, a proclamation † was issued in Batavia by Baron Vander Capellan, the then Governor-General of Netherlands India, imposing an *ad valorem* duty of 25 per cent. upon all foreign cotton and woollen manufactures imported from the westward of the Cape, whether on Dutch or foreign bottoms, and of 35 per cent. if imported from any foreign settlements eastward of the Cape, while their own manufactures of the same description were imported free, and have continued upon the same footing up to the present time. And not only have these duties never since been reduced, but, on the contrary every succeeding measure of the Dutch Government, relating to duties, has had it in view to augment the burden. Take for example the indirect and unfair means they took of accomplishing that object, and at the same time of gratifying their “ Trading Company,” by causing in 1828 the taxation of the value of our cotton and woollen importations, to be made at the Custom House at Batavia, instead of as formerly by a merchant of each nation, and where a purposed augmentation of the invoice cost was made of full 30 per cent. before any duty was levied ; which, by this unworthy and underhand course, was increased to 35 and 40 per cent. !

Such are some of the fruits of the Treaty which appears intended to fix and limit the extent of duties chargeable by each nation upon the goods of the other ! and which instead of effecting any thing of the kind with regard to the British, has left us open to a system of restriction and prohibition which may be carried to any extent—for, if there be nothing contained in the terms or spirit of the Treaty which limits the Dutch to a specific rate of duty, there can be nothing to prevent their quadrupling the duties as they now stand whenever they may conceive such a measure conducive to their own interest. We are then, it seems, inevitably led to the conclusion either

\* The article in question refers to the Spice Islands of the Moluccas.

† Dated the 14th February, 1824.

that there is nothing in the Treaty securing, or intending to secure for us, the reciprocity talked of—that all the eloquence on the part of the British negociators about the “most perfect freedom of commerce” and so forth, is no more than so much mere holyday talk—and that, in short, the Treaty itself, in respect of its commercial stipulations as affecting the British, is only so much waste paper:—or, we must be compelled to assume that the Government of Netherlands India has persevered, and been allowed to persevere, in a system which involves the most gross and open violation of nearly all the stipulations relating to commerce which the Treaty contains. The question indeed seems to offer itself in no other point of view; and if the spirit in which the negotiation was conducted, and the principles recognised by both parties, are all on our side, as assuredly they are, what is there in the mere wording of the articles of the Treaty which can guard the Dutch against the imputation of unauthorised aggression upon our commerce in their Eastern ports? The arguments which we heard advanced by or for the Dutch in favour of their right under the Treaty to impose the duties complained of, appear of the most vain and trifling nature; and, if we were to listen to and adopt their interpretations of its commercial stipulations, England would be represented as having negotiated for the sole and important privilege of importing and exporting on her own ships, at specified terms, Dutch goods at one of their ports in the East—a boon well worthy the consideration of the largest manufacturing nation of the globe. But, thanks to the ambiguity of words, the bad faith and insincerity of the Dutch government, or the apathy or pliancy of our own, that paltry and insignificant privilege is all we have yet obtained by a Treaty respecting which there was such an abundance of favourable augury. All then that this boasted “freedom of commerce” amounts to would appear to be, that vessels were free to carry our goods and manufactures to one Dutch Eastern port, and the Dutch were free to impose upon them whatever duties they thought fit!

It is true the state of affairs here commented on, affords no new cause or source of complaint—and that the grievance is now of about a dozen years standing. But, besides that it does not appear altogether too late to inquire whether the evil is irremediable, our attention has been recently drawn to the subject by renewed attempts on the part of the Dutch to impose further and still more oppressive restraints upon our trade at their out-ports in the Archipelago. At Macassar the duty upon our cottons and woollens, imported from this place, was, last year, raised from 35 to 70 per cent; and this year their direct importation from this port at that settlement is altogether prohibited, unless cleared out from Batavia, or the minor ports of Sourabaya and Samarang, where they still continue subject to a duty of 70 per cent. The consequence has been that the Bugis traders from that port, who used annually to export from this a valu-

able portion of these articles, have this year necessarily confined themselves to the purchase of Indian cotton goods to which the prohibition does not extend, they continuing at a duty of 35 per cent. That this oppressive measure is mainly directed against the trade of this settlement no one can for a moment doubt—as little is it to be questioned that it is not likely to be attended with all the success desired, for restrictions of that nature are the best of all calculated to promote successful smuggling.

That such attempts on the part of the Dutch to depress our commerce in the Eastern seas, wherever they possess adequate means or influence, are not only in direct violation of that understanding which the treaty was intended to create, but at the same time, constitute acts of the most flagrant impolicy, is, we conceive, undeniable. That policy which labours to raise up obstacles to commerce, to fetter its tendency, and contract its limits, in the vain hope of establishing a system approaching to monopoly, will, in the end, assuredly prove most injurious to those who indulge in its exercise. The Dutch could not pursue a more hurtful and iniquitous course towards their colonies in the Eastern seas than they are now doing, by endeavouring to shut out our manufactures from their ports. It could easily be shewn, what experience has already proved, that an opposite course would greatly add to their colonial revenues. Is it then expected, by imposing such burdensome restrictions upon the importation of British cottons and woollens into Java, to secure a consumption among its six millions of population of Dutch articles of the same kind, and convert Holland into a great manufacturing nation? No policy could be more short-sighted. Holland possesses no facilities for the operations of manufacture, and her home consumption of such articles amount to next to nothing. In the course of events she may lose Java as she lost Belgium,—and what then would be the situation of her capitalists and manufacturing population who had been engaged and trained up in a branch of industry, foreign to the natural means and wants of forcing and bloating, for the produce of which she had lost her best and only market?

It is probable that some representation, upon the subject of these observations from the merchants of this place, aided by their friends at home, would not be considered unworthy of attention by government, and would eventually lead to the fair opening of so desirable a field for our capital and enterprise. “British capital and enterprise raised Calcutta in the short space of half a century to be the wealthiest and finest city the East ever saw. They raised Madras midst the sands of the Carnatic in the same period to the second rank. They converted the barren island of Bombay into the second commercial city in Asia. They have rendered Canton superior in wealth and population to the Imperial city. In six years they collected 12,000 industrious inhabitants in the hitherto desert and barren island of Singapore, who instead of commit-

ting depredations upon trade, like its quondam inhabitants, export and import jointly to the value of fourteen millions of dollars annually. The same British capital and enterprise, let it be added, regenerated Batavia itself, are still its main supports and converted five millions of Javanese, strangers for two

centuries to the productions of European industry, into extensive consumers of British manufactures. It is clear that the agents which are capable of producing such effects may be safely recommended to the respect and consideration of every prudent and enlightened government."—*Singapore Free Press*.

## ELIGIBLE STATIONS FOR TROOPS.

### SEERSA.

Seersa is situated in the heart of the Bhutte country, in the centre of all the noted parts of the N. West and Southern States. About a century ago it belonged, I believe, to the Puttiala Rajah till wrested from him by the warlike Bhuttees under their renowned Chieftain, Jasta Khan, and his Lieutenants, Bhela and Bhugala. Under its native rulers it was the emporium of all the trade with Caubul, Lahore, Multan, Cashmere, Umritsur, Beekance, Rajpootanah, and Ramghurh, and was inhabited by some of the wealthiest merchants in India, who deserted this famous city on its capture by the Bhuttees. Seersa, when in the height of its power, had 50 pergunnahs under its sway, and was looked upon as an impregnable city by all the Chieftains, who from time to time governed the countries bordering on it. It is now literally a heap of ruins, but still its fortifications shew what it has been. Its once noble outworks have fallen to decay, and its pergunnahs, alas! have dwindled into a few insignificant villages, whose ryots find it a hard matter to pay the revenue assessed on them.

As reports are rife that the authorities are about to abolish Hansi as a station for troops, owing to its unhealthiness, I think they could not do better than fix on Seersa for the site of the new cantonments. Its advantages are manifold, I assure you; the water is like new milk, the land, if cultivated, would yield abundant crops of wheat, rice, gram, &c. and materials for building are plentiful. Besides the above considerations, there is one more which certainly demands attention. If Seersa were garrisoned to-morrow, all the influential traders would send their gomastahs the day after, as they would be sure of protection, and the occupation of it would be a great benefit to them. Again, if the villages in Puttiala in the Seersa *Ilaka* are ceded to Government, a body of efficient troops will be indispensably necessary to protect such a large tract of country, as well as a Collector and Magistrate, and no place is more favorable than Seersa for this purpose, from its commanding position. It may be objected by some that horses can't live here during the rains, to this I could reply that if the jungle is cleared away not a "*dhunkey*?"

will be seen during the whole of the rainy season. I had all my horses here for two months in the rains, and then sent two to Durbah, 5 coss off, but managed to keep two with me during the whole of the rains, by having a light in the stables during the night.

If a Collector or any other officer, were sent to Seersa, he would at once see why so many villages that might yield thousands of rupees, lie untenanted, and would of course apply the obvious remedy—throw the gagger open to zumeendars from Hegraon, and I then think it would be a hard matter to get an inch of ground for encampment. This is in general a very healthy zillah, except at the breaking up of the rains, when all the world is sick. The principal ailments prevalent here at that time are fever and guinea worm. My observations, Mr. Editor, are not those of a traveller, who merely passes through a place and ventures to launch out; I have been living in sight of Seersa since June last, and can speak from experience. My information on the history of Seersa is gleaned from the oldest inhabitants in these parts. My only object is to give a subject, which may be the means of eliciting sounder observations from abler correspondents, who may have had better opportunities than myself of inquiring into such matters.

I hear that Agrowah and Jheend have been pointed out as good stations for troops. Jheend, I think, is too far away and—but I shall tip you a stave on Agrowah, if this meets publication.—*VOX VERITATIS*.

### AGROWAH.

Agrowah is 10 coss from Hissar, N. by W., the only remains now extant are an old gurreh and a pukka tank filled with earth. It takes its name from Raja Agur its founder. There are great number of hills or collections of rubbish in the vicinity, which, together with the gurreh before alluded to, are seen at a distance of six coss. My reasons for supposing the hillocks before mentioned to be heaps of rubbish are these: during my rambles amongst them, I have frequently seen pukka drains and bricks, chunam, &c., and in those places where the road passes close to any of them, it is quite red like pounded brick—but the most conclusive argument for forming such a con-

\* A species of gnat.

jecture, is that some century and a half ago Agrowah was populated by Hindoos; the principal part of whom were Bunnyas, and it is said that there were 100,000 of this class. There *chauty* was so proverbial that even now and *Ugurwal* prides himself upon giving alms and succouring those in distress. It is related of them, that when Agrowah was in the height of its splendour, if a helpless Hindoo of the Bunnya caste came into the city, and stated his grievances, every Bunnya contributed one *tucca* and 2 bricks, so that he was set up in trade and had materials for a dwelling. The Bunnyas, on the fall of their city, were distributed—some went to Beekaneer and Rajwara—some to the Dooab, some to the Punjaub, and many of the present race in Delhi, Hansi, Hissar, &c., are their descendants.

As a station for troops, Agrowah is decidedly inferior to Hansi or Sirsa in a military point of view, and the same may be said of their relative advantages in regard to trade as well as their positions; with reference to the advantages that would result in the fiscal and judicial administration of the country. Its,—Agrowah is, in my humble opinion, situated very badly, both as a place of trade and as a military post, and does not command any tract of country sufficiently. I agree with *Vox Veritatis* in thinking Sirsa, on the contrary, commands the States of Puttialah, Beekaneer and the whole of Bhuttianah, besides which, a force could be sent at a very short notice from it to Jeypoor, Rajwara, Bahawalpore on the Sutledge. Sirsa is known to every Sahookar and the only obstacle to their not settling there *immediately* is the want of a sufficient force to protect them—a regiment of infantry, a Collector and Magistrate and a Custom House at Sirsa, would, I am fully confident, not only confer a lasting benefit on the community in general, but also the Government in a pecuniary point of view. Besides the advantages that would arise from trade, the revenue of Government would be much augmented by the settlement of villages. I can adduce many cases in point, and will do so after concluding my remarks on Agrowah.

A principal objection to Agrowah is the water which is very brackish, and consequently, very unhealthy. It is therefore reasonable to suppose that no benefit would result from the change of posts in one respect, but on the contrary Agrowah would prove detrimental in every season of the year, whereas Hansi is only sickly in the hot season. I was at Agrowah during May, and though inured to privations, could not stomach the brackish stuff the inhabitants of Agrowah call water, but was constrained to send two coss for it. The villages in the vicinity of Agrowah only yield *khureef* crops: there are none of any note though, but Kalee Rawun and Beropot; the latter, however, is not in a very flourishing state, and I think Cheekenwas is superior to it—*ecce signum*, one is peopled by Bhutties and the other by Bisnoce, Bagrees, the propensities of one are slothfulness and thievery, and of the other industry. Kalee Rawun is a

large populous village, 3 coss west of Agrowah. Karee Kharee, Buddee Kharee, Meerpore, &c., are mere *bustees*.

You may perhaps, Mr. Editor, ask for proofs. It is very natural to suppose so, I shall therefore proceed to enlighten you a *little* on that subject, but hope after I have been descanting at some length, you will not with a pish! exclaim "*parturiunt montes nascitur ridiculus mus*," you must know then that my duties as a \* \* \* \* \* require me to be here, there and every where, I am therefore able to obtain information, which perhaps many might not succeed in laying hold of, if they lived years in this place; besides I am not one of those *consequential* fellows who would scorn to ask a poor devil with a tattered blanket a few questions regarding his resources, his manner of cultivating, and so forth, so that when people see I am anxious to obtain information they do not withhold it.

The villages in the neighbourhood of Sirsa, at present are in a very deplorable condition owing to the system by which the revenue is assessed, as well as their sole dependance for rice and wheat crops on the periodical rains. The following villages, now lying waste might, if peopled, yield a handsome revenue to Government. Sucha at present assessed at 860 rupees, would, if peopled, pay 12 or 1,500 annually. Kotelee assessed at 910, could easily pay 12 to 1,500 annually, but as a lengthened detail might take up too much of your valuable time, I shall give you an abstract of what each village is capable of paying without oppressing the *zemin-dars*.

Jadceka 2,500, Sucha 1,500, Kotelle 1,500.....	5,500
Jhundea 5,000, Nurcil 1,500, Komalpore 1,000.....	7,500
Kwaja Khara 500, Natar* 1,000 Sirsa* 2,000.....	3,500
† Aboodgurb 1,500, Otu 1,000, ....	2,500
	<hr/> 19,000

All the above have rubbee and sawnee crops.

The above are only a few villages that have come under my own immediate observation, but notwithstanding exclusive of the two villages in farm and Aboodgurb, there is a clear loss to Government of 15,000 annually; for with the above exception, Government cannot expect to reap any thing from old huts and *kharas*, among which number those not excluded may be reckoned. It is not, however, to be attributed to the country that the villages are not peopled, for I can assure you, Mr. Editor, that if any of them were farmed to Goojars, Jats or Bagrees not an inch of ground would be left uncultivated, except the grazing grounds of each village. Look at the vast contrast between the state of the country North of Durbah and that to the South of the same vil-

lage, and you will find a vast difference. The reason is obvious—the Bagree zemindars are afraid to farm lands in the Bhutte country, owing to the well-known habits of the inhabitants, for they must, in case of being robbed of their cattle, trudge 40 or 50 coss, dance attendance at the cutcherry, and perhaps come back as wise as they went though poorer in pocket; for a few shiners put into the pockets of the thannader has generally the effect of bringing a Bhutte out of a scrape. Here again the advantages of Seersa, either as a cantonment or civil station is apparent, for the presence of a British functionary is alone required to check the nefarious practices of the native local officers, but a force is required to curb the turbulent disposition and predatory habits of the Bhattes, who depend upon the success of their forage for subsistence, and depend more upon *chance* than their own exertions for flourishing crops. When I have more time, I may perhaps send you further notes.—R. R.

### SONAH.

Whether it was the contrast of stone built houses to the “mud edifices,” I had all my Indian life been accustomed to, I know not, but I was particularly struck with the general appearance of Sonah on a first view, and I had no cause to change my opinion on a more intimate examination.

It is very pleasantly situated at the foot and at the termination of a line of hills, or rather I should say of an abrupt bend in them, and as I before observed, is built almost exclusively of stone, which the hills produce in superabundance. The site of the town is a light soil, almost sand, and being slightly elevated, is very dry at all seasons.

From the peculiar locality it enjoys, a current of air under almost every circumstance of weather, and it would appear to be more healthy than places in the vicinity. But the lion of the place is a hot spring in the centre of the town. It is said, as all hot springs are, to possess miraculous healing powers, and if we may judge of the truth of this by the practice of the people we must believe it, for it has visitors at all hours, day and night, throughout the year. To the untutored Hindoo, who is willing to acknowledge the presence of the Deity under every circumstance, but more especially in the phenomena of nature, this spring is held in high veneration, and large sums are said to have been contributed, from time to time, for the erection and preservation of the buildings. The immediate spring is closed in with a flat roof, and four approaches with steps, down to the body of collected water, which may be about 15 feet square and 10 deep. The water continually flows out, and is received in a second open reservoir, and from that to a third and a fourth, from which it eventually runs off

waste. In these four reservoirs the various castes perform their ablutions: the higher grades in the enclosed one, and others in succession in the second and third; the fourth and last being for the very lowest, as chumars, sweepers, &c. The different reservoirs are regularly emptied at stated periods by the combination of the town's people and then well cleaned out and the water appears peculiarly clear at all times. I am unable to say what the temperature of it is, but to a person unaccustomed to a hot bath, it seems rather painfully warm.

The presence of sulphur is very evident, and is discovered by the smell long before one reaches the enclosure where the spring is. The water is slightly brackish, very wholesome, and in general use by the people of the place.

The hills, immediately above the town, are very abrupt, and the tortuous windings of the passes, with the immense masses of rock, piled in the most beautiful disorder, would appear to most people novel in the extreme. The view from the top of the hill, except to those who have been accustomed to the more lofty and grander Himalayas, is very striking, and in a clear day is very extensive. I know not the height above the surrounding country, but should think it cannot be less than 600 feet. There are several passes but only available to foot passengers; a regular road has long been made, but never upon a proper method until this season. The necessity of a good road up this particular part of the chain of hills, was too evident to escape the notice of the present Magistrate, and knowing as he did the immense value it would be of to all classes, but particularly to the growing trade of the country, he set about it in good earnest, and by means of oblique approaches, has constructed a road, up which the most timid may drive a buggy with perfect security. To effect this, he employed the convicts of the district, and under his able instructions they have outdone McAdam himself. In this case we have an instance of the proper way in which these general depredators should be employed.

Formerly the ascent was by one nearly straight road up, and from the bottom it appeared quite an undertaking to attempt getting a laden cart up it. Now it is accomplished not with comparative, but real ease, and when entirely finished, will influence the route of trade very materially.

Considering the nature and shape of what is called the Goorgoan district, it seems very unaccountable why Sonah was not pitched upon as the Head-quarters. It is more central in every way, and as far as my information goes, possesses many advantages over the present station. The dwellers in the low countries towards the Jumna are said to complain loudly of the distance to the Sudder offices, and this deserves the more consideration, when it is remembered, that by far the



greater portion of the district lies between the Jumna and the hills.

I will not longer occupy your attention, but will just remark, in conclusion, that "the greatest happiness to the greatest number"

would most certainly be accomplished by changing the Head-Quarters of this immense district from Goorgoan to Sonah, and at a very trifling expense to Government.—B.—*Delhi Gazette.*

## NOTES ON INDIAN AFFAIRS.

### No. LII.

#### CHARACTER OF THE PEOPLE, *continued*—HONESTY, MORALITY.

Dishonesty is another of the vices, the stigma of which has been universally applied to the people of India and yet compared with the common people of England, between whom and the corresponding classes of Indians the contrast is made, I have no hesitation in affirming that in this very quality the latter will shine to the most advantage.

The English residents in India make the comparison as they usually do, only acquainted with one side of the subject, and even with that partially: they judge by their servants, and pretend to form a comparison with English servants. The first thing which strikes them on their arrival, is the *dustoor* or per centage\* which a servant receives on every thing he purchases, and which, of course, is placed to the account of the master; and the tirades that have been launched forth on the natives on this head have been innumerable. I do not defend the custom, but on the subject in question there could not be a stronger proof of the assertion contained in my preceding number, viz. that scarcely one of the Civil and Military officers who had not been at home since their first arrival in India knew any thing of the management of servants in England, or of the domestic economy of a family; or if they are indeed *au fait* on these points and are yet ignorant of the custom in England which answers to this "*dustoor*," I can only say that their experience must have been confined to an extremely limited expenditure and a very small establishment.

In those families where the income is so small that it becomes the duty of the mistress to take the part of an upper servant, to superintend the detail of the kitchen, to go herself to market or to the different shops, and to pay for every thing with her own hands, I grant that no perquisites are or can well be made by the servants: but it is quite different in families who are in easy circumstances, and where these things are left to the housekeeper or the cook; these servants receive a gratuity, in some way or other, more or less, according to the expenditure from every tradesman who supplies any thing required in their depart-

ment. It is not paid in a per centage, as in this country, but usually in some present of money, clothes &c., at Christmas, for what is called the "custom" or "good will of the house." No tradesman who consulted his own interest would venture to refuse this. If the butcher, the fishmonger, the green grocer, or others\* were to do so, the meat, fish, or vegetables would be sent to table in a state scarcely fit to be eaten, and the blame would be laid by the cook on the tradesman, for supplying bad articles. Even if the master were acquainted with the real state of the case and wished to put a stop to these perquisites, and not to change his tradesmen, unless he or his wife would act as is above mentioned, in families where the strictest economy is necessary he could not do it: he might discharge his cook or housekeeper; but the next he engaged would do just the same in order to retain their perquisites; and unless the tradesman continued to secure the good will of these servants, they would certainly in the end, lose the custom of the family; because the master for his own sake would be obliged to employ others who were upon better terms with his servants upon whose good or civil offices so much of the comfort of domestic life in England depends.

In this country the superintendents of a factory or mercantile concern, the foreman of a work-shop, or the upper servants in a family, enjoy perquisites, which do not exist in England: they usually receive a month's pay from every one for whom they procure service in the establishment. This is owing to two causes: first, that the lower classes of the natives of India are infinitely more honest than the corresponding ranks in England, which induces ten times the precaution in hiring a servant there to what is necessary here; and secondly, the "*grandee*" system on which the English in India have usually moulded their conduct, which prevents one condescending to speak to a native, except to two or three head men or favourite attendants. Consequently, they usually recommend servants or workmen when they are wanted, and receive their perquisites accordingly. Several discussions have lately taken place upon the roguery of those natives who act in this way, upon whom the whole

\* The sum usually paid to the servant is two pice in the rupee; equal to a little more than three per cent. It is sometimes higher.

of the blame, of course, is laid, and on the best means of putting a stop to it—the remedy is very simple; we have only to lay aside a little of our indolence and silly pride. If the proprietor of a ship-building or manufacturing establishment wished to hire twenty or thirty additional work-men, instead of only telling his head native, he should intimate the same to all the workmen then in his employ; most of them have relations and friends who want work; the news would be spread in the evening half over the town; and by the next morning probably, fifty or sixty would be waiting at the gate: let him go himself and make his own selection.

So with a private servant; if the master would inform all his servants of what he required, he would, probably, next day find half a-dozen or more in attendance: let him call them in, and make his own choice: after this practice had become general, those in search of employment would soon perceive that it rested with the master alone: and that no person belonging to the establishment possessed any influence in the matter: consequently all payments for the procuring a situation would speedily cease as men are seldom found willing to give money for any thing which they can obtain as well without it. It may be mentioned in further elucidation of the assertion, that we are much more to blame than our upper servants and that most of the civilians adopt such a magnificent style, that no native can ever gain access to them without giving a *douceur* to the servants. Some attempt to excuse this indolence and affectation when told of it, by contradicting it; others by asserting that it is impossible to prevent it: by men of their stamp it may be impossible, but not by such as are really acquainted with the customs of the people and will exercise a little trouble and vigilance. I have known men to whom the arrival of any native who wished to speak to them was immediately reported, and to whose servants not one farthing was ever paid. I grant that even in England noblemen and gentlemen who dislike business or are much occupied with their own pleasure sometimes allow the abuses above described to prevail in their establishments, and that the favourite valet or groom, is often the instrument of approach, through the same means, a *douceur*; but no one who really does his duty to his dependents, or wishes to secure their respect, would allow of such things; and indeed, where they do exist little honour or credit usually attaches to the house, since dependents are proverbially alive to the characters and conduct of their superiors, and can hardly hold men in high estimation who are governed by those whom they despise as their own inferiors. In England when a person applies for service, he is called up before the master: a hundred questions are asked him, and references required and made; not only to his last master, but often to two or three of those in whose service he has previously lived: and notwithstanding all these precautions people are in constant dread of being robbed by their servants, and very few robberies take

place in which the servants or work people connected with a house are not in some degree concerned. The first thing that is dinned into a man's ears when he returns from India, especially in London (for in the country there is often a better state of things) and visits his relations is—"Don't leave any of your things about, keep every thing under lock and key; throw no temptations in the way of servants, I will not answer for their honesty, &c.

How different is it in India! Here we generally entertain the first man that offers himself provided he appear smart and intelligent; no question is asked as to character, further than the written one, which if he have not of his own, he can purchase for a few pence.\* Scarcely ever does the master ask his name, still less make any inquiry as to his family, his residence, &c.—his home may be five hundred miles off; yet to a servant who is hired in this careless way, who is called a head bearer and receives seven rupees a month (£7 a-year) are frequently intrusted clothes, plate, and other valuables to the amount of several thousand rupees, besides very often several hundred or a thousand rupees, in cash. By far the greater number of Englishmen hire their servants with the same neglect of inquiry and indifference as to characters, and we constantly leave watches, jewels, trinkets and other valuables lying about our rooms through which fifteen or twenty servants are constantly passing and repassing, so that it would be almost impossible to fix upon or even suspect the guilty individual. Yet how rare is it for a man to be robbed by his servants in India. What would be the consequence of hiring six or eight or more servants in England with a similar want of precaution? In the first place the master would be deemed insane, and before a month were passed he would be eased of one half of his property.

If, however, it be conceded that Indian servants display a higher degree of honesty in matters of importance, great complaints are made of their petty pilferings; here again we are not aware that such things go on in every country, and probably much more in England than in India from the circumstance of their greater capability of being turned to account. The kitchen servants, those attached to the farm-yard or dairy, the gardener, all as a matter of course have their regular pilferings: there is rarely to be found a butler who is allowed charge of the wine who does not drink his wine after dinner as regularly as his master. The fact is that the scale of the morality of the lower classes in all countries is formed on a curious model; the very same servants who would scorn the idea of stealing any thing of value, look upon these petty pilferings as a sort of perquisite to which they are entitled. I am convinced that the Natives of India are in this respect by no means so bad as the servants at home,

\* In consequence of the constant fluctuation among the English population, a personal reference is usually impossible; and it is the practice to give servants who are discharged written characters. These are constantly forged, the name of the person whose writing it purports to be, being of course that of some one who is still or dead, or has returned to England.

only one's general ignorance of the character of the latter prevents one being aware of the fact.

Is there a man in India who has not known several of his servants transmit their respective savings, amounting in the whole to a considerable sum, to their homes, by an individual of whom they know little or nothing, except that he was from their own part of the country? Nothing is more common, and it must be familiar to every one: the distance that money is sent in this way varies from two to twelve hundred miles, yet for the money to be embezzled is an occurrence almost unknown. Would such confidence and such faithfulness to trust, be found in England, in Europe, or in any other part of the world? Again, we are in the constant habit of sending money in sums of greater or less value, even as much as four or five hundred rupees at a time, by the hands of a common servant without taking the slightest precaution either of sealing the packet, delivering it in the presence of witness, or any of those securities which would be considered necessary in England. There very few people would trust a servant even with a few shillings to convey from one house to another—"it would be putting temptation in their way"—and money letters sent by the post are by almost all prudent people consigned to the post office with their own hands.

It remains for me to offer a few remarks in conclusion on the morality of the natives, or rather to make a short inquiry as to what has been the effect of our intercourse with them, in lowering their standard.

It may also be observed that their ideas of morality differ in many points from ours; in some respects the advantage is on their side, in others upon ours. I have not leisure to enter upon this subject at length; and indeed in discussing the character of the people in the mode here adopted, I had no intention of treating on every point, but merely to offer a few general observations to induce the English, instead of taking it for granted that all the natives of India are indiscriminately or radically bad, or of forming their opinion of the whole nation from a few menials, to mix with the people, i. e. the farmers, merchants and peasantry, not forgetting the upper classes and the old native gentry when they have opportunities of being introduced to them;—to lay prejudice aside, and see and judge for themselves; and to adduce sufficient instances and proofs that if the natives have many bad qualities, they also possess a considerable number of good ones. There is yet an ample field for discussion on this head for any one who will take the trouble to occupy it.

I have remarked that their standard differs from ours. A native gentleman would not cheat a friend in the sale of a horse: an Englishman in the rank of a gentleman would not only do so, but often boast of it. The enormities committed by native troops at the storming of a town are not perhaps one hundredth part so great as those which are usually per-

petrated by English soldiers; so many other instances might be mentioned to the credit of the natives whilst others would be the reverse.

But what have we done to promote the increase of morality or any other good quality among the people of India? With few exceptions to a trifling extent. It is but lately that either Government or individuals have attempted even the primary step—Education. While in a variety of instances, by our ignorance of the native customs, and the enactment of absurd laws, totally unsuited to the country, we have promoted immorality to an immense extent. In the first place, look at our debtor and creditor laws. As long as a poor labourer or menial servant of the lower class remains honest, he is obliged to work hard for his subsistence; only let him turn rogue; borrow money under false pretences, which he has no reasonable prospect of ever being able to pay; and he is immediately rewarded, by being placed in a comfortable building where he has plenty of company, and where he is fed in idleness, receiving nearly as much as he could earn when hard-working. Such at least is the utmost penalty which his creditor is allowed to inflict upon him; for as to the seizure of his property, this consists but of a few coarse cloths, a half torn blanket, and two or three earthen cooking pots, which might realise, if sold, a few shillings; but as it is not the custom to strip a debtor naked, his clothes are left in his possession; his residence was in a hut belonging to some relation or to his master. If his debt do not exceed sixty-four rupees, he cannot be confined more than six months; nor can he be again arrested on that debt although his property, if he ever obtain any, is liable in satisfaction. Few creditors, however, ever keep men in jail above a short time till they have ascertained whether there be any property forth coming, because they are obliged to pay for their subsistence, and no sooner is the man released, than, finding the profit so great, and the penalty in reality nothing, he plays the same game over again with the next person who will trust him.

Some persons argue that men who lend their money to such people as are above described, deserve to lose it and even propose that their suits should not be heard. This is just as wise an idea as it would be to refuse to punish a bandit or a thief, on the principle that every man ought to keep so good a watch over his house and property as not to allow himself to be robbed. The grand secret of establishing credit and preventing the careless contracting of debts, is to give every facility to the creditor to realize his due, and to allow a discretion with the judge to sentence men who have contracted debts without any visible means of paying them (which is no better than swindling) to hard labour. The improvidence of most of the lower classes of natives is such, that present enjoyment is all in all: they never think of the consequence: besides many of these act as nefariously as regular windlers. Men who are not in the receipt of above three or four rupees a month will sometimes be in debt sixty

or seventy rupees; but not all to the same person; there will be ten rupees due to one, twelve to another, &c. Each sum has been borrowed under some real or pretended particular circumstance. The fraudulent debtor obtains twelve rupees worth of cloth from one pretence of a marriage in the family, ten rupees in cash, on pretence of having an opportunity of remitting it to his friends, &c. all of which is spent in debauchery. To each he declares that he is his sole creditor; mentions his service and his pay; and shews that in six or eight months he shall be able to discharge the debt by instalments. Are people to blame in lending a man a moderate sum of money or trusting him with goods to a small amount under such circumstances? It is only, when one of the creditors whose patience is exhausted after being repeatedly put off prefers a complaint that the whole is discovered. If such rogues were sentenced to hard labour, which they deserve fully as much as a thief, these sort of proceedings would soon be stopped: and if the judge had a discretion in other cases, it would check the improvidence of the lower orders, and make them cautious how they borrow money. A man whose vanity now induces him to spend forty or fifty rupees on a marriage would be content to disburse ten or fifteen. This would ultimately teach them forethought, and cause the introduction of a considerable portion of moral feelings; but no! our system is that the honest poor man must work hard for his bread, and that the rogue shall be well lodged and fed in idleness; but I refer for observations at large on this subject to No. 38.

What an enormous amount of fraud, perjury, bribery, and roguery of every description has been introduced by our system of internal customs and transit duties; not one of which existed under the native rule. The attempt to enforce the usury laws which *cannot* be effected, has been only productive of perjury, forgery, and the demoralization of the people, to an extent which is scarcely credible. The universal administration of oaths, and several other points connected with our Courts of Justice, have had a tendency to increase perjury very considerably, while the law for the punishment of this crime displays great ignorance of the native character as explained in No. 42.

The absurd mode in which a general law is passed for which there was no occasion, has also tended to foster dishonesty. Probably a solitary case of hardship was brought to the notice of Government where an invalid native soldier had been induced for a small consideration to mortgage his pension for several months in advance. Immediately a regulation was passed XII. of 1814; declaring such transactions invalid. Now with the exception of a few poor unfortunates who have suffered by it, and the invalids themselves, the law is utterly unknown to the whole population. So that those invalids who are roguishly inclined often get money equal to several months' pay, mortgaging the same as security, and then

draw their pay themselves, and laugh at their creditors. The soldiers might certainly be arrested and thrown into jail, on which the creditor is obliged to pay them a comfortable allowance.

Drunkenness and the use of intoxicating drugs have increased in an extraordinary degree under the English rule. I have heard many men declare that thirty or forty years ago, even at Calcutta, a drunken native was a perfect rarity. Now they may be seen in numbers, lying drunk about the streets of that city, and more or less, in every town in the interior, and not unfrequently in the villages also. What is the cause of this?—Simply, that in order to raise the revenue almost every collector is trying to increase the number of his liquor, spirit and drug shops; to establish them in every hole and corner of his district; and to promote drunkenness to the utmost; often giving underhand, summary and illegal assistance to the proprietors of shops to enable them to recover money for liquor sold upon credit. And for this, provided the revenue increase, they receive the approbation of Government.\* Nay, I once knew a collector who retained at the head of this department a man who had, when a public officer, not long before, embezzled a considerable sum of money and absconded; who was notoriously guilty of forgery, although from the inefficiency of the judge he escaped conviction; solely because he was a good hand at promoting drunkenness, and thereby producing an increase of the revenue. In contrast I will mention the conduct of a native chief, related to me by an old gentleman who came to India more than sixty years ago. Shortly after his arrival, on being sent to reside at Kishnagur, he was obliged to ask the Rajah's permission to have a man to procure toddy† for his friend: the Rajah consented on the condition that a centry of his own should accompany the man to see that he brought just no more than sufficient for his master's use, for fear he should ferment and sell it, and thereby introduce drunkenness among the people. The native Rajah did not want a revenue obtained at the expense of the morality of his subjects: the British Indian Government encourage as much drunkenness as possible, provided they reap the profit from it. It has been allowed as general truth, that the more connection the natives have had with the English, the more immoral and the worse characters in every respect they become. No inconsiderable number of reasons have been adduced in support of the correctness of such assertions, and it is probable that little difficulty would be found in finding many more. On the other hand scarcely an attempt has been made to introduce better feelings among them or to improve their character. Nay, individually, in order to save ourselves a little trouble, we often, in reality, sanction

\* Those collectors who have not contrived to stifle all good feelings are really greatly to be pitied; when we consider the injustice they are obliged to commit, and the dirty work they are obliged to perform, in doing what Government consider their duty.

† Toddy, properly tano, a juice extracted from an incision in the trunk of the palmtree, used instead of yeast for making bread when fermented it makes a strong spirit.

great misconduct. Yet masters might all and severally do much. You may see men to whom as they are leaving a station complaints are made by different shop-keepers against their servants for considerable debts. The master refuses to take notice of it, and as suing the debtors would for the reasons above mentioned be only adding loss to loss, creditors are obliged to put up with what they have already sustained, and the servants are encouraged to pursue the same conduct at the next station. On the other hand I have known a master look carefully after the concerns of the servants; if he found a man habitually living beyond his income, he would discharge him, on the principle that if he were hard pressed by his creditors, he would be

driven to dishonest practices, and that finally his own property would be insecure. This person encouraged them to save; and if any one had accumulated a sum of money, and were about to have a marriage or other occasion for expense in the family, the master would advance a similar sum to be repaid by instalments. He was equally on the alert to watch every deviation from truth, and to check immorality, profligacy and other faults. The result was highly satisfactory; and I am convinced that much more might be done in this way to improve the character of our immediate attendants than is generally supposed.

A FRIEND TO INDIA.

July 8, 1835.

## LAW LECTURES DELIVERED AT THE HINDU COLLEGE.

While Dr. Wilson was the visitor of the Hindu College he obtained the sanction of Government to appoint a competent professor to instruct the pupils attached to the first class of that institution in the elements of jurisprudence. This task would have devolved on Mr. Derozio who was known among the enlightened portion of the native community as the first person who inspired the present generation with maxims abounding in splendid charms of truth and virtue, had some of his scholars, in the development of whose mental energies he had a principal hand, conducted themselves with moderation and calmness towards their illiterate and prejudiced countrymen. The impetuosity and rashness, with which they endeavoured for some time to introduce into this long benighted land all the desired changes of *Reformation*, aggravated the malignity of some of the members of the Committee of Management of the Hindu College, and it was chiefly owing to this circumstance, that that most distinguished Assistant teacher was obliged to tender his resignation to them. A long time after this irreparable loss Mr. T. Dickens was appointed the professor of Law. This worthy gentleman delivered lectures from Justice Blackstone. He divided *Law* into three codes, viz., the civil code, the penal code and the code of procedure. All his lectures were confined to English Law, enumerating the revenues and the prerogatives of the king, the respective rights and the privileges of both the Houses of Parliament; the duties and the liabilities of the principal and subordinate magistrates, the exemptions of the clergy from secular affairs, the rights of the people whether aliens or denizens, together with considerations respecting their several ranks in civil, the military, and the maritime estates, and the immunities of corporations or "artificial persons called bodies politic." He now and then dwelt a little upon the nature and the disadvantages of the Feudal System, the

beneficial effects of the Law of *Primogeniture* as to its being conducive to the strengthening of the kingdom with a number of wealthy and influential persons, the merits of the English constitution, and the salutary consequence of the Revolution in France at the time of Louis XVI. Scarcely had this worthy gentleman begun with the second volume of Blackstone, but he was appointed to succeed Mr. Hogg as the Registrar of the Supreme Court. His attention being thus turned to a variety of things with respect to his situation, he could not spare any time to finish what he had undertaken to do. Shortly after this the Honorable Sir John Peter Grant, who was then a barrister of the Supreme Court, filled his place, and if there was any professor at the Hindu College who could *really* show attention to his pupils and convey instruction in the shape of entertainment, it was this talented gentleman. His views of the science of Jurisprudence were comprehensive, for he did not begin to burthen the memory of the student with the perplexing technicalities. After having delivered an introductory lecture embodied in the mild sentiments of a philosopher, he showed the tendency of scientific expressions, to duplicity and equivocation in these cases where they are used from analogy, and reading a passage from Hume as an illustration of this truth, he concluded that the definition of law in its common acceptance was philosophically wrong. Instead of confining himself at first to any particular law, he considered the science in a general point of view. He divided law into human laws and laws of nature or moral laws, the former being a general system of plans intended to ascertain, to define, and to protect men's rights which are founded upon a sense of justice—"that steady and perpetual desire to render and to cause to be rendered to every individual his right." The laws of nature, he observed, were implicitly obeyed by every one more or less, and the sense of justice formed a part of our

constitution. Convinced that the science of Jurisprudence was like every other science dependent upon the science of the mind, he commenced delivering a series of lectures upon moral and intellectual Philosophy. He made Cicero's *De Finibus* his text book, and though this work is written in Latin he read passages out of it in English with the same facility as if he were reading from an *English* edition. He enumerated all the fallacious and fanciful theories of Thales, Anaximander, Pythagoras, Anaximenes, Anaxagoras, Archilaeus, Plato, Aristotle, Zeno, Epicurus, Diogenes, and other philosophers, remarking that they had all endeavoured to know what could never be known, and showing the influence their writings had on the improvement of the mind. He compared their hypothetical notions with the Philosophy of Socrates, and maintained that the latter had struck out a true path to the enlightenment of the human species. In whatever he advanced he always resorted to high authorities and to legitimate modes of argumentation to substantiate it. The moral lessons which he instilled into the minds of his pupils were exceedingly beautiful and sublime; he always observed that morality needed no gorgeous drapery of expression to heighten her fascinations. Let her be in her native garb, and she will appear as enchanting as possible. He now and then spoke a little as to the line of conduct, his pupils ought to pursue in the future course of their lives, and always advised them to examine every thing accurately before they believed in it. His lectures on the whole were very communicative and would have produced much good if he had remained at the College. The method which he adopted in teaching the students was certainly efficacious in promoting the object he had in view. He used to say that if "we were to perplex the memory of the young men with the minutiae of any science before teaching them a general outline of it, it would be making them read Dictionary." This is certainly an excellent observation, and those who are well versed in the business of education, cannot but admit, that, of all the departments of education, morality is the most important. It should therefore be the bounden duty of every teacher to pay to it as much attention as he can, for he must know that in neglecting to do so he cannot but be instrumental in giving birth to mischiefs of the most disastrous nature. All the sciences have a close connexion with each other. Intellectual and moral education should therefore go hand in hand. The following remark upon the first two or three lectures of Sir J. P. Grant made in September, 1833, will give an idea how he proceeded to discharge the duties which were entrusted to him.

"The material world exhibits wonderful phenomena, calculated to strike every rational creature with awe and admiration. All the objects around us always act in conformity to some principles inherent in them, and it is these principles that have been called by some philosophers 'Laws of Physical Nature.'"

Thus when a body falls from a high place or a ray of light passing from a rarer to a denser medium is refracted, it is commonly said that it does so in order to obey the laws of Providence. That the term *Law*, which in its general acceptation means, "a prescribed rule of conduct," is unphilosophically applied here, will be proved from the subsequent observations. Strictly speaking we are perfectly ignorant what matter and mind are. Our notions regarding them are merely relative. All that we know of them is that the one is extended, moveable, coloured, &c. &c. &c. and the other thinks, wills, and feels. If then the former be devoid of volition which the latter possesses, with what propriety can we say that it obeys the laws of its creator when we see it act in accordance to certain properties innate in it! When a solid body is placed upon water it will displace a quantity of that fluid equal to its bulk, and because it does so, are we then to say that that solid body is a pure agent and the acting in the manner it does is entirely left at its option. If such be our language, we shall no doubt come to a most sweeping and unwarrantable conclusion: so that there is a philosophical error in using the word according to its strictest definition in the expression "Laws of Physical Nature." Further, we know, that there are some properties existing in, and coeval to matter, and it cannot resist acting conformably to them. Air is elastic and it will always be so. Shall we then say that air in being elastic obeys a law of God. How equivocal is this phrase and how absurd is it to say that our maker has prescribed a rule of conduct and all the inanimate objects obey it! Hence it is most likely that by the "Laws of Physical Nature" it is meant those innate properties of matter to which it cannot but necessarily act up. The next object of our enquiry is how we obtain a knowledge of what is often loosely called "Laws of Physical Nature"? As for instance the laws of gravitation, cohesion, chemical affinity, dynamics, &c. &c. &c. It is a principle of our constitution (no less strong in leading us to truth than the evidences of reason, consciousness or Perception,) to believe that when a thing has frequently occurred and repeatedly produced the same effect it *shall occur* and *produce* that effect in future if it be placed in similar circumstances. The sun has constantly risen and when he has risen he has often spread his effulgence over the whole face of the globe. This is a truth, our experience made us confirmed in its belief, and we have therefore every reason to suppose that the sun will rise again and produce the same effect he has hitherto done. Two balls struck against each other, a degree of attraction has always been perceived to exist between them and a noise of their concussion has often been heard. And because such has generally been the case, we are irresistably led to believe that if two balls be similarly circumstanced, they will attract each other and produce the same noise. Why we draw such an inference, is beyond the reach of our faul-

ties to account for. That the frequent occurrence of a thing makes us believe in its future occurrence is a fact, and hence the whole knowledge we possess of the "Laws of Physical Nature" is grounded upon a belief arising from an intuitive principle of our constitution which no reasoning of a mathematician can demonstrate or the cavils of a sceptic can deny. Having spoken so much of the "laws of Physical Nature," let us now proceed to treat of moral laws, and to point out the general distinction between these two. By moral laws it is generally meant those rules of our conduct enjoined by the author of our being which are immutable and universal. In the practice of them "consists" all the honor, dignity and worth of a man, "and in the infringement all vice, corruption and depravity". As the chief doctrines which morality recommends are expressed in the concise language of that great philosopher Dr. Reid, I cannot but do myself the pleasure of quoting him here. It ought to be our serious concern to do our duty so far as we know it, and to fortify our

minds against every temptation, to deviate from it by maintaining a lively sense of the beauty of right conduct: by having always in our eye the noblest example, by the habit of subjecting our passions to the government of reason by firm purpose and resolutions with regard to our conduct, by avoiding occasions of temptations when we can, by employing the aid of him who made us in every hour of temptation." These, together with a regard of truth, a love of justice, and a constant desire to do good to our species, constitute all the grand sources of moral law. The general distinction between these and the physical laws is that the one is liable to be violated and the other is not. Man is a free being and he is at liberty to follow or reject those laws as he pleases, whereas the inanimate objects must necessarily act conformably to those principles or properties with which they have been endowed from the very moment of their creation by that omnipotent being whom every world should love, praise and adore.—*Reformer.*

## STAMP REGULATION.

When the people of any country are subject to various propensities, and their usages, habits, notions and opinions, all savour of barbarism, none can imagine in how many ways they manage their affairs with chicanery, dishonesty and fraud. Self-interest becomes the prominent feature in all their actions, and they turn even the best things to the foulest purposes. Fond of injustice and imposition, they attempt to *abuse* the very ordinances and statutes, which are enacted for the regulation of their conduct, and to make them, if possible, the instruments of oppression and deceit. Confirmed as this melancholy truth has been, in many places, it is a painful reflection that this should also be the case with Bengal. If we cast an attentive eye on the practices and the transactions of our countrymen, we shall find that they are all of a *mysterious* nature. Commerce, which is calculated to shed a benign influence on the happiness of mankind, when it consists in fair dealings of truth, has been perverted by wicked and sordid minds in this benighted land. Demoralization runs through the veins of the Hindoos, and with whatever they meet they grasp at it, and generally make it subservient to mischief. It is in this manner that pernicious consequences have arisen from many of the enactments of this country, and have thus frustrated the objects for which they were made. The 12th Regulation of 1828, about levying stamp duties has met with every ill success, notwithstanding the precautions taken by its framers. When the members of the Legislative Council passed the regulation I conceive it was done for no other end than to replenish the coffers of the East India Company. Its tendency to impede the progress of justice in the Mufussil

has been felt by every class of men. Aware as our rulers are of the despotism of the zemindars over the ryots, the tyranny of the rich over the poor, the might of the strong over weak, and the aristocracy of the haughty over the timid, does it not behove them as *governors* to remove every rubbish from the path of justice, and make its dispensation as cheap as possible for the peace and the prosperity of the subject? In such a country as this, where the rage of ignorance and immorality is virulent, and the march of knowledge is resisted by the peculiarities of the circumstances in which it is placed, is it not expected that disorder and anarchy should prevail with ten-fold fury, if the tribunal of justice be not accessible to all? Consider the present state of India, and see whether it does not demonstrate the necessity of administering justice in a cheap and speedy manner. But what are the effects to which the Stamp Regulation has been conducive? Does it only stand in the way to justice like a *formidable monster* to terrify those who go to ask her inestimable boon? No, its baneful influence does not rest here. Look to what it has contributed. By virtue of this Regulation certain persons are selected "for the purpose of vending and distributing Stamps on the part of Government." These vendors get their respective licences from the Collector of Stamps, after having subscribed to all the conditions of a bond "with one or more responsible sureties" to the Board of Revenue for the faithful discharge of the duties prescribed in the Act. When they sell any piece of stamp they are bound to endorse on the back of it, the date of its sale, the delivery, and the sale of it by themselves. And it is here that this regulation

has fallen into thier clutches, and has been made instrumental in performing several species of iniquity. All the venders and the distributors are well acquainted with the native character. Many of them therefore write on the back of some stamps certain dates of their fictitious sale's delivery, and their own names, and instead of disposing of them according to those dates, reserve them for future occasions. When a person wishes to forge or get an agreement, a deed of mortgage, or a partition of an anterior date made, he immediately sends for old stamps from the venders, and pays them for their friendly and seasonable services double or treble the amount of duty leviable on them, and thus cheats and defrauds the persons whom it is his object to injure. To elucidate the subject a little more clearly, I shall give an example here. A mortgagee by virtue of a mortgaged deed forecloses the property of the mortgager, in default of the payment of this money, and puts it up for sale. If the mortgager be well versed in the business of swindling, he immediately gets an old stamp brought from the venders, and makes out a mortgage deed of the same property to a different individual, bearing a date prior to that of the lawful mortgagee. The pretended mortgagee then comes forward with the false instrument, and in consequence of his appearing the first mortgagee becomes entitled to the property, and thus deprives the

true mortgagee of his rights. Such then are the mal-practices of the Mofussil people, and such are the machinations resorted to to defeat the ends of justice. I know of a person who paid not three months ago twenty-four rupees each for two copies of stamps, (the duty of which was only eight rupees each) of January before last, for drawing out deeds of mutual separation and partition. The intentions of this person I need not specify here.

Now analyze this Regulation, take it thick and thin and let us know what good it is capable of producing? It is just like the Regulation about transit duties, working effects of the most mischievous kind, and calculated to degenerate the natives more and more so long as it unfurls its banner in this land of darkness. When we therefore consider that the stamp-regulation is an impediment to justice, harassing as it is in these hard times to suitors of every description, and cannot but be prejudicial to the moral amelioration of our countrymen, and that our country is labouring under the privations of poverty, and in consequence of the failure of several mercantile firms, her spirit of commercial enterprise has been very much benumbed, we cannot refrain from raising an unanimous voice against it, and shall hail the day with pleasure when the happy tidings of the abolition of this detestable regulation reaches our ear.—*Reformer*.

## SINGAPORE AND ITS AGRICULTURAL CAPABILITIES.

### LETTER III.

TO THE EDITOR OF THE SINGAPORE FREE PRESS AND MERCANTILE ADVERTISER.

If the soil and the climate are favorable to the sugar-cane, the same circumstances appear to be equally favorable to coffee and cotton. The first of this two plants is found to grow best at a considerable elevation above the level and somewhat removed from the immediate influence of the sea, and requires to be shaded from the meridian sun;—advantages which the new settler would have here, in the undulating and shady character of the country. There are to be seen in gardens a few specimens only, for it is not cultivated as an article of commerce. An attempt to grow it to some extent was made some years since and failed, and from the situation of the place pointed out as the locality of the plantation it would seem, a worse one could not have been chosen, it being upon a bare hill, near to the sea shore and exposed to the direct influence of the hot and dry winds already spoken of. That a plant susceptible of being so easily affected by exposure to the sun, should have withered and died on such a spot cannot be a matter of wonder to any one who has any acquaintance

with the subject. And until the experiment of planting according to old rules shall have failed, the evidence of the few solitary plants which are planted and properly sheltered in various gardens, as has already been stated, and which yield abundantly, must lead to the inference that under similar circumstances, large plantations of it will give similar results.

To the new settler no crop is perhaps better suited to meet the exigencies of the moment than cotton. Cotton may be planted and gathered from lands yet uncleared of the stumps remaining after the forest which covered them had disappeared: it will grow on rich or light soils, and whilst its planting affords a gradual means of preparing the ground for the plough and for other crops which may promise greater advantages to the planter, it yields him in the meanwhile, a quick and profitable return for his labor. In the course of a very few months after planting the pods are already in a fit state to be gathered, and a trifling expense of machinery enables him to prepare his cotton for market.

As to its adaptation to the soil and climate



of this island, reference must again be made to a few specimens of this plant of various kinds, viz: the Pernambuco and Manila, which the praise-worthy enterprise of some individuals residing here have imported and reared in their gardens. Samples of the Pernambuco have been returned from Liverpool where they had been sent to be valued, with the price of 13d. per lb. affixed to them. These samples are by no means equal to the quality of the same species now produced under a more careful cultivation. The Manila seed yields a still more beautiful fibre; which for fineness and softness, can be compared to no other than to Sea Island. Unfortunately, the trials which have been made in planting this latter kind have not been so successful as the former, which grows luxuriantly and yields abundantly; whilst the Manila seeds have hardly attained the height of twenty inches, and give here and there only a few pods. Whether this arises from bad seeds, unsuitable soil, or uncongeniality of climate, are circumstances which will be determined by future experiments.

Having pointed out sugar, coffee, and cotton as commodities likely to thrive well on this island, I now proceed to refer to other species of cultivation already established here. These are principally plantations of the finer spices, such as nutmeg, cloves and pepper.

The two former are owned by Europeans who represent the profits to be amply remunerative of the outlay of capital. The nutmeg, by its congeniality to the soil grows luxuriantly and yields abundance of nuts which bear the highest market price. Plantations of cloves have been made also by Europeans, and when after gathering the first crops there seemed to be the best founded hopes of their long continuing to yield, they have had to witness the sudden decay of the trees as if struck by lightning or cut off at the root, and there scarcely remains, at this day, a healthy clove tree among the lately flourishing groves. The cause of this un-

looked-for disappointment is not yet ascertained, but those may not be greatly mistaken who attribute it to the exposure of the hills, on which the plantations are made, to the sirocco-like wind already alluded to. Time will determine whether, when planted in more inland and sheltered situations, it will be liable to the same vicissitude. The quality of that produced was pronounced excellent.

Pepper is raised here and to a very considerable amount, which competent dealers estimate at from eight to ten thousand piculs annually. The cultivation of this vine is almost entirely in the hands of the Chinese who, by hard work and great economy, make a living by it; but it is doubtful if at the present low price of this article, it can be successfully carried on by Europeans, on a large scale. Connected with most of pepper grounds is a plantation of gambier, the leaves of which latter plant after having been boiled in water to extract the substance which afterwards by concentration becomes the astringent known here under the name of gambier, and terra japonica in Europe, are put to the roots of the pepper vines and make an excellent manure.

Around the settlement there are fields of paddy or rice, cultivated by people indigenous to the East, but on a very small scale, sufficient, however, to demonstrate the practicability of a greater extension of this commodity, as well as those which have already been named, should attention be turned hereafter to their more extended cultivation.

The suggestions which have been thrown out on the capabilities, &c. of this Island are as applicable to the three united settlements, viz: Penang, Malacca and Singapore, and for a more comprehensive and valuable elucidation of the subject I would refer to the production of a much abler pen than that which traces these brief observations, and which, after having been recorded in the *Penang Gazette*, are about to be published collectively.

#### LETTER IV.

The next great point for consideration is, to inquire if the different branches of agriculture, which have been pointed at as suitable to the soil and climate of this Island, can be carried on with as much economy here as in other tropical countries. Effectually to develop this very important part of the subject, it would be necessary to have access to documents not attainable here;—therefore an approximate comparison is all which can be hoped for under such circumstances, and as in the statement of the relative value of labour here, with that of slave-holding countries, all the facts relating to this Island will be found, it will be easy for any one who wishes to arrive at great exactness to compare them with such statements as may be had else-

where; for the general reader, the view here presented will be quite ample.

The situation of this Island, off the south eastern projection of the Continent of Asia, having on one side the vast population of China, and on the other that of India—both countries within a few days' sail, is such, as to insure to it an ample working population, so long as by a removal hither a better support can be had than at home. And that they do benefit by migrating here, may be inferred by the numbers of them who annually resort here. Of these the Chinese are by far the most venturesome, for during the junk season hordes of them are cast upon these shores, some to remain, whilst others take shipping here and spread themselves among the Islands in the

neighbourhood, or on the Malayan Peninsula. Both Indians and Chinese arriving here in a state of great destitution, many take to the jungle, perhaps rather from necessity than choice, finding it easier to obtain there that support, which in the settlement is not to be had; and hence that large Chinese population hid in the jungle, the thievish and murderous inroads of whom in the night on the defenceless inhabitants of the skirts of the settlement, are but too frequently felt.

In point of fact, therefore, an abundance of working hands can never be wanting here so long as the means of supporting life may be easier had here than in India, or China. And it has already been said that this state of things still continues, as is evinced by the arrival here, each year, of one or two thousand Chinese. On the coming in of the junks a great number of them enter into engagements of voluntary servitude for one year, with masters in want of servants, and for this specified time of service the passage money, generally from ten to twelve Spanish dollars, is paid to the captain of the junk; the master further agrees with his servant to pay him a sum usually fixed at five dollars, on the expiration of the year:—he further covenants to find him rice and fish during this time—the expense of which is about one and a quarter to one and a half Spanish dollar per month. Thus for about thirty-three dollars he obtains the services of an able-bodied labourer, for twelve calendar months. To such labourers who are free from these engagements, and who may be had at any time, and in almost any numbers, the ordinary wages paid is from three to four dollars per month. But in this case they find their food themselves, and at their own cost. Others may be hired for special purposes, requiring a longer or shorter time, at twelve and a half cents per day and not found in food. This class of labourers consists principally of Malays, who, not being inclined to works which require constant and steady application, let themselves out for such jobs as clearing lands, ditching, &c. &c. Mechanics receive six dollars and upwards per month, according to their craft and skill. The labourers of India, although not as hardy as the Chinese, demand and receive higher wages than these; this arises probably from the circumstance of there being less competition among them. Many of them have small gardens outside the settlement, where, beside raising vegetables they keep cows from which they supply the inhabitants with milk and butter. Others own and drive buffalo carts for public convenience. On large plantations they would be particularly useful in attending cattle and working the carts, for neither of which business the timid Chinese has much relish, preferring the quiet routine of planting, weeding and gathering. It is seen then, that the cost of field labour is had here at from thirty-three, thirty-six and forty-eight dollars per annum, the average of which is thirty-nine dollars. It need not be said that these are picked men since it must be apparent to all that inasmuch as there is plenty to choose out

of, a selection is made of the most efficient men.

Let us now endeavour to see the cost of ordinary labor in countries where plantation work is still carried on, or was till very lately, performed by slaves. The price of each of these unfortunate persons, when first landed from Africa, is in the Brazils about two hundred dollars each; in the West Indies from three to four hundred dollars: and this for miserable creatures, *one-third* of whom die in the process of being acclimated, which adds to the cost of those who survive. A creole slave bears a much higher price, but for the purpose here intended, let the average price of grown-up slaves be put down at the lowest valuation of four hundred dollars each. Here then is a capital of 400 dollars, the simple interest on which at 6 per cent. is..... drs 24.

Maintenance in food, clothing,  
medical attendance, & capitation tax. ,, 30

54

Average cost of Chinese labour  
in Singapore..... 39

Shewing a difference of.... 15

or nearly twenty-eight per cent. in favor of the cost of labour here—and be it observed that no account is made of a much higher rate of interest than that put down here; the rate of interest being oftener 10 and 12 than 9 per cent. in those countries; the maintenance of helpless children and of the superannuated; deterioration by accidents and old age of the slaves, and many other contingencies, which are but too well known to the practised planter, all of which tend to enhance the cost of each slave.

Slavery having been abolished from all the British possessions, the former masters, in order to carry on the business of their properties, have entered into agreements with the apprentices to work at a specified price. In Barbadoes, containing the densest black (lately slave) population of any British West India colony, and where, from this circumstance, labor may be supposed to be cheapest, the price of field labor, limited to 8 and 10 hours per day, is fixed at 1s. 6d. which at 6s. 3d. per currency dollar is about  $\frac{1}{3}$  of a Sp. dollar. Whether the food and general maintenance of the apprentice is at his own charge, or at that of the employer, I have no means of ascertaining; but let us take the most favorable view of it and admit that twenty-four cents per day covers the master's whole expense, even this admission shews the price of labor to be in Barbadoes infinitely greater than here—more than double—and this without taking into account the parish establishments which the new system has introduced, the expense of which is levied on the estates and which naturally enters into the accounts as a fair charge against the apprentice.

It is scarcely necessary to dwell on a subject requiring so little investigation to make it per-

fectly plain to the most common understanding. Here there is abundance of hands to choose out of: greater or a smaller number may be employed for a longer or a shorter time, at the will of the master. He may dismiss them at pleasure at the end of his crop; he is relieved from the trouble of feeding and clothing them, and if in times of sickness or when by natural decay the helpless servant receives the attention and maintenance from the master, the act is one of voluntary charity and beneficence. The servant's claim is a moral but not an obligatory one. In slave-holding coun-

tries, not only is labor dearer, but you must use such only as is to be had; such as has been paid for good or bad; recourse must be had to punishments to compel the services of the refractory; the master must be at the pains of ascertaining whether the food and clothing dealt out are consumed and used, or whether they become articles for improper traffic—and finally he is denied the merit of his charities by the enactment of laws, to the enforcement of which is attributed those provisions for the needy which may be seen on his property.

### LETTER V.

The distant reader in whose hands the foregoing brief remarks may chance to fall, will naturally look for a statement of the land regulation for this island. He is doubtless aware of its being a possession of the East India Company's and under the Bengal Government. The Company grants leases for a determined period, but it never parts with the fee of the land. The following abstract of the Regulations is taken from the *Singapore Chronicle* of January 1833:—

“Persons desirous of cleaning and cultivating waste and forest land, must make application to the superintendent of lands, stating the district and place where the land is situated; also the description of land, and also its extent. After due survey the superintendent will report the application to the Chief Civil Authority, who, if no objection exists, will grant a permit to clear the land, which must be effected within such time as may be determined. The land being cleared, the holder of the permit shall be entitled to a lease, subject to the following limitations and provisions:—that the rate of rent shall not exceed one dollar, (Spanish) per acre, on the first lease given, fifteen years being the duration; that the lease so granted shall be, at its expiration exchanged for a second lease for a further term of fifteen years, at such rate as shall be determined on, not exceeding three dollars per acre:—that on the expiration of the second lease, a third for fifteen years shall be granted at a rate exceeding six dollars per acre:—and that at the expiration of the third lease, a fourth shall be granted at a rate not exceeding ten dollars per acre, per annum.

“It shall be optional with the Government in the event of lease-holders refusing to accept a lease at, or under, the rates above specified, to eject the holder and resume the land with all buildings thereon. The rate of ten dollars per acre being declared to be the maximum of rent demandable for lands occupied for cultivation and beyond the limits of the town, or any other town which may be hereafter established, it shall be optional with holders to demand a permanent lease of 999 years at the rate of ten dollars per acre, per annum.”

As well might the island have been doomed to perpetual sterility as to have imposed such conditions, and it cannot be a matter of surprise that since the enactment of these regulations, not one single lease has been taken out. And indeed it is but too obvious that no man in his senses would incur the necessarily heavy expenses of clearing land of dense masses of trees, or drain it where required, having in the first place to pay a quit-rent of one dollar per acre during a period when he did not receive one piece of returns from it—and three dollars, for a second period—increased to three, six, and finally to the ruinous rent of ten dollars, or one thousand dollars per hundred acres and in default of payment to forfeit all his improvements. He would just begin to see his nutmegs and cloves in bearing when his quit rent was trebled from one to three dollars and failing to pay it, he must have to forfeit the fruits of his labour and fifteen years rent.

The benefit derived by landlords in giving out long leases and on moderate terms is now so well understood as to make it difficult to understand how in these enlightened days, so narrow a policy as the one prescribed has endured so long, and more especially when, as it is generally understood, the local Government of the place, sensible of the impolicy of the measure, has long since pointed out and recommended a more liberal course. That the Company would gain greatly by it is made evident by the fact, that whereas now a very trifling sum is received for rent of “land beyond the limits of the town,” the whole island, containing about 1,35,000 square acres, if under improvement, and the land leased out even on the most moderate terms, would yield a large annual amount. And that there would be plenty of enterprising capitalists and planters ready to take advantage of the favorable circumstances which it has been the aim of these observations and details to point out, and willing to pay liberally for land on long leases, cannot be doubted. Such favorable regulations would bring to these shores the energy and experience of men long accustomed to the improvements of modern colonial agriculture; who, apprehending no-

thing short of ruin to themselves in remaining in the colonies under the system of free labor, would gladly remove here, where, secure from similar changes as those lately experienced, they would embark largely in planting sugar, coffee, spices and other tropical commodities. The island would soon cease to be a waste, or a receptacle for hordes of half civilized Chinese, who by being brought to work in large bodies under European masters, and subjected to the discipline necessary and consequent thereto, would cease to be objects of terror, as they now are, and would become useful subjects. And need it be added that such a state of things would be of immense value to the trade of this settlement?

This port is already an important mart for Eastern products, and to the amount of its exports which now are nearly all derived from the countries adjacent, did the island produce crops of its own, to add to these already large amounts, it would become still more important. Of the extent of such an addition, derived from the soil of the place itself, some idea may be formed from the returns of the exports of the island of Barbadoes (an island containing about 1,06,000 square acres, or about three quarters of the surface of Singapore) as taken from the recent valuable work of Mr. Montgomery Martin, an access to which the writer has but just had, and an earlier reference to which would have been of great service to him. It appears from the above that in 1830 Barbadoes exported in aloes, sugar and rum, to Great Britain, £6,24,731 sterling.—To British Colonies £1,36,842—to Foreign States £15,118 total £7,76,691—and employed 20,000 tons of British shipping. The imports during the same year, the last of which there are any returns, by 19,000 tons of British shipping £370,000. The amount of property created was £2,000,000—and of property moveable and immoveable £15,000,000. But a very considerable portion of these two last amounts doubtless represents property in slaves. And Barbadoes, although one of the healthiest of the West India Islands, is far from possessing so remarkably a healthful climate as that of this island, nor its commanding commercial situation on the only direct route connecting the two vast regions of the East—India and China—on the high way from the Straits of Sunda to the Gulph of Siam and the China Seas. Neither is Bridge Town the Capital of that fine island, visited yearly by upwards of

five hundred square-rigged vessels, and by one thousand four hundred native craft, all importing from, and all carrying commodities of various kinds in greater or lesser quantities, to every, civilized and uncivilized, part of the Globe. And why, when possessed of a superior climate;—why, when land, labor and food are cheaper; why, when sure of a good home market; why, when the cost of production is less—the certainty of realising greater—the means of disposing more ample—why, with such natural advantages and such resources, may not this island be capable of yielding yearly, products of its own, to an amount proportionably as large as that of Barbadoes?

Reference having often been made in the course of these remarks to the comparatively low prices of articles necessary and suitable to agricultural undertakings, the following current prices here are added in conclusion.

Burnt bricks, 8 by 4½ inch. } 17 Spanish Dls.  
 " " 9 by 4½ " } p. laksa, or 10,000  
 Burnt Tiles for Roofing Drs. 23 per do.  
 Burnt Lime, Drs. 3½ per Coyan or 40 pls. of 133½ lb.  
 Square timber of hard hood, 24 feet by 6 in, at Drs. 1 each.  
 Board and Deals of country wood, 18, by 11 inch. 1 inch. thick, Drs. 18 per 100 boards.  
 Do. 11 feet by 11 inch. 1 inch. thick Drs. 10 per do.  
 Do. 8 feet by 8 inch. ¾ inc thick Drs. 4½ der do.  
 Buffaloes, two of which equal in strength of 3 bulls or 4 Mules, Drs. 8 each.  
 Table Rice, Drs 1. 80 per picul of 133½ lbs.  
 Ordinary do. Drs. 1. 40 do.  
 Wheat, Bengal, per bag, Drs. 2½ per 160 lb.  
 Sugar, brown clayed, Drs. 5 per picul.  
 Do. white, " " Drs. 6 "  
 Rum, 25 Cents per gallon.  
 Coffee, 1st quality green, Drs. 12 per picul.  
 2d. " " Drs. 10 "  
 ordinary " Drs. 7½ "  
 Pepper, Black, Drs. 6½ per picul.  
 Nutmegs, Drs. 120 per picul.  
 Cloves, Drs. 30 per picul.  
 Cot. on, Drs. 10 a 14 per picul.

AGRICOLA.

## ABUSES AMONG THE NATIVE POLICEMEN.

The expense incurred by Government for the support of Police Thanas, is useless if they go on in their present deplorable manner. They are, we doubt not, established for the purpose of securing the property and lives of the subjects from the incursions of robbers and thieves, &c. &c.; but can they be said to act up to that object when thousands and thousands of robberies are daily committed in the very heart of the city? Government profess to levy

a part of the tax for defraying the expenses of these establishments, letting their subjects be confident of the security of their property. This is the *purpose* for which they tax the lands of the inhabitants; but how far they realize their purpose we are at a loss to determine. The property of their subjects is more insecure than even in a state where anarchy prevails. Justice requires that they should apply all the money which they extort from the hard hand of an Indian labourer, to the *purpose* under the name of which they collect the revenue. But let not the reader thereby understand, that we charge the Government with fraud and deception: all that we mean to say, is that they expend it to no purpose; they feed the idle jemadars and chowkeydars, by the earnings of an industrious people. The Police ought to take special care whether the Thanadars discharge their duty properly, and it is the duty of the Government on the other hand, to watch over the conduct of the Police, whether they act with efficacy. But if neither of them do what they are legitimately bound to perform, and the thanadars are in consequence to neglect their duty, the effect would be, as it now is, that the Police Thanas will go on well; but the poor subjects will ever be in the danger of their property, being always attacked by thieves, to be secure from whom they pay a large sum of money to Government.

When a theft happens in any place, the Magistrate comes in the morning to examine how it came to pass; but instead of investigating to matter as it is his duty, viz. how such things can possibly take place if the chowkeydars were constantly on guard, looks into the breach that had been made by those villains for their entering the house, and then orders it to be made up—no further, he has acted his part most satisfactorily. Or if he happen to be one who takes great interest for the welfare of the natives, only remove the chowkeydars from one division to another, as if that is the chief means of preventing the mischief. So much for the care taken by the magistrates for the detection of thieves and robbers. Besides, the Police ought to consider how theft can possibly take place if the chowkeydars are constantly on guard, and can they not by that means conclude that they are neglectful of their duty. The utmost punishment which is

inflicted upon them is the change of division and no more, the consequence of which is therefore the change of evils but not their eradication, for the chowkeydars who were careless in this division must be so in another of course, a few days excepted, if not duly punished; so that the evil will go from one place to another, producing endless mischief and misery. Such light punishment, if I may so call it, has the power of giving birth to another mischief, namely, of making those who are careful a careless set of persons, producing in their minds a conviction that the utmost punishment to which they shall be subjected for breach of their duty is only the change of place, which so far as we can judge will have no effect upon the minds of the ignorant vulgar. It would indeed be needless and tedious to say any thing further upon the subject, suffice it to say, that the condition of the Police is very miserable and loudly calls for an immediate reformation.

Many thieves escape the punishment of the Police on account of that odious law by which persons are obliged to swear that such a person is a thief. It is already known to our rulers, we believe, that the natives think it a transgression of the law of God to swear by the Bhaggyruthi water, they will have rather all their property lost than once touch that sacred water which they look upon as the sole source of their salvation, under the consideration that all these things are nothing in comparison with the bliss of heaven which they think they will not obtain if they swear by the Gungawater. Many examples of this nature can be brought forward, and unless this stain of the British Court be abolished, fair distribution of justice will be shared by very few. But it might be said that if such a law does not exist, every one may accuse his enemy before the Police of theft without caring whether he is speaking truth or not. To that we would say that he who can speak falsely without touching sacred water can do so with it. If he be a rebellious subject of all powerful truth, his rebellious spirit will not be suppressed by the Gunga water which to him appears no more sacred than a few drops from any muddy pool. Who possesses the hardihood to say that there prevails no perjury at present in the Courts?—*Reformer.*

## NOTES ON INDIAN INVASION.

\* The hazard of external attack is upon the N. W. parts of India. The danger is, I conceive, less from any Asiatic power than from Russia advancing into Turfary, or establishing such an influence over Persia as would enable her to use Asiatic states as aids and instruments in the invasion of India. I do not mean to say the danger is proximate, but it is one we should never cease to contemplate as possible, and without incurring unnecessary expense, we should suit our means of defence to those of eventual attack.\*—Sir J. Malcolm, *Adm. of India*.

In attempting to consider the important subject referred to in the above observation of Sir John Malcolm, with a view to form an opinion of my on the probability of an Indian invasion, I have been surprised to discover how difficult it is to obtain data of sufficient accuracy to be able to do this satisfactorily. It might have been thought that a matter of so great import to the Indian army, had received much and careful consideration from its Government and scientific members,—that it would have been esteemed a point of so much interest that condensed statistical information would have been demanded and obtained by the curiosity of every member of the Indian services;—and that in considering the subject we should rather be puzzled to decide from the richness and variety of materials, than find it difficult to form an opinion at all from their paucity: but this is the case. I am far from intending to state that there is any want of recorded opinions on this point; of these we have abundance; but the grounds on which such opinions are founded are too seldom afforded to assist others in coming to their own conclusions. Except Colonel Evans's work, which is the less satisfactory, as not comprising any of the later information obtained respecting the countries treated of, I know of no accumulated data for the consideration of this subject;—any other information we must seek here and there, scattered as it may be through the narratives of various travellers. Having lately made a few notes connected with this subject, it may not be uninteresting should I afford an opportunity to your readers to compare their preconceived ideas with the few facts I have been able to collect; and here I might remark, that if I, who have really attempted to gain for myself some useful information respecting so important a topic, have been able to collect so little, it is sincerely to be hoped, that there are condensed documents in the hands of Government, by means of which any officer, to whom in case of need the charge of superintending defensive preparations might be committed, would be enabled to sketch out the necessary operations on sure data—to be prepared for all chances in the part of wisdom; and surely surveys of the Punjab, Cashmeer and the mountainous passes on the right bank of the Indus should be considered indispensable requisites to our Indian archives. We hear day after day, old and young equally ready to say, whether in such a warfare, they deem chances for or against us; but that this readiness for expressing opinion is generally the result of matured enquiry, I for one am

but little inclined to think: be this as it may, however, at least we cannot possess too much knowledge on this point. In order to avoid controversy as far as possible, I propose making use of the very words of the authors I may quote—others will decide according to the degree of credit they may give to my authorities.\* In conducting our enquiry, the plan most advisable would be to consider each head separately; but as the amount of information attainable on each is very variable, on some very limited, I prefer taking the subject, *en masse*, premising that I consider the principal point, to be. 1st. Amount of Russian disposable force. 2nd. Its physical character. 3rd. Means and resource, position of arsenals, &c. &c. 4th. State of bordering Russian provinces. Lastly. Routes to India, and statistical information connected with these.

It is not my intention to enter much into the discussion on the present probabilities of a Russian invasion, connected as they are with European politics, but rather to refer to the possibility of such an event. If it be ever undertaken, we are not ignorant of the bold, resolved, and yet cautious policy of the Russian Government, as to fancy it would be so till that Government was able to display the due degree of energy. We may therefore assume that if the attempt be made, it will be so, with all necessary preparatives and due provision of warlike "materiel."

To know our enemy is the first point. How many a success in war has been obtained by the weaker power solely from the presumption or ignorance of its more powerful opponent! As ours would be a struggle for existence, as well as empire, we should leave nothing to chance, but should calculate well the means opposed to the threatened attack. Whether the sepoys is likely or not to stand a chance of success against the Russian soldier, can only be decided by considering the physical powers of both! Of the Russian army and soldier we will now speak;—the comparison with the Indian, I shall leave in a great measure to its own officers to draw.

The amount of Russian disposable force will be found difficult to speak decidedly on:—if we credit the reports by Russian influence, we may count it at hundreds of thousands. In 1820—9,89,000 men, independent of national guards, was said to be its force. However, one simple fact will serve to reduce

\* As I may frequently forget to name the writers to whom I am indebted—I give them now Elphinstone, Fraser, Barnes, Col. Evans, Sir. Scott,—Kepple, Alexander Jacquetmont, &c.

the statement to its true value. When Bonaparte advanced to Moscow with 130,000 men, he outnumbered all the forces which Russia, in that utmost extremity, was able to bring against him: these were not estimated at more than 90,000 men:—there might be 40,000 more on the Turkish and a few on the Persian frontier, but certainly the utmost Russia could then summons was 150,000, with the troops employed in garrison, police service and in guarding Asiatic frontier, did not probably more than double.\* In the late war, 1829-30, with Turkey, however, we find Russian exertions far more considerable. In the campaign of 1829, the Russian officers owned to a loss of 70,000 men; and in 1830, at apparently a rough approximation only, we are told the loss was 100,000. The army which crossed the Balkan was 45,000, including 4 or 5000 cavalry; at the end of the year, or rather by October, these were reduced to 21,000; besides which was a blockading force before Schoumla, garrisons north of the Balkan, and a small force with Admiral Greig; we may, therefore, not be far wrong in estimating the whole Russian force employed in this war at 2,50,000 men, to be added to which is 15 or 20,000 on the Persian frontiers in excess of the usual force engaged in aggression. We have thus 2,70,000 men, the total number of men Russia could bring forward in this important war. We know, too, that to do this the whole of the northern part of the empire was so denuded of troops, that had the Polish insurrection occurred during the progress of the Turkish war, or even when it did occur, had more energetic advantage been taken of the favorable disposition in Lithuania and Volhynia, for the attack of the isolated Russian troops, at the very commencement of the revolution, the result might have been different. In a war with England, most probably combined with France and Turkey, taking into our consideration also the state of Poland, whether any or what part of this military power could be spared for such a distant field of operations as India, would be no very alarming question: its true answer perhaps depends most on the nature of Russia's alliance at such time. Should we, however, see the glare reflected from Russian bayonets, let us now ask, what kind of troops are they?—"The passive and iron valour of the infantry, the rapid and skilful movements of its irregular cavalry," are terms of renown earned in many a bloody field. Frederick the Great said he would kill, but could not defeat them! When at Austerlitz, Soult's able movement divided the Imperial forces, Sir W. Scott says, "a division of the Russian guards made a desperate attempt to restore the communication—the French infantry were staggered, but while the Russians were in disorder from their success, Bessieres and the imperial guard advanced; the encounter was desperate, and the Russians displayed the utmost valour before they at length gave away to the discipline and steadiness of the French veterans.—Their loss was 20,000." Again "at Eylaw, the advantage of numbers

was with the French: two strong columns advanced to turn the Russian right and storm their centre they were driven back by the heavy fire of the Russian artillery." "The Russian infantry stood like stone ramparts, they repulsed the enemy; their cavalry came to their support pursued the retreating assailants, and took both standards and eagles." Again, "A French regiment of *cuirassiers* had gained an interval in the Russian army, but were charged by the Cossacks and only 18 saved."—After this tremendous battle, when the Russians loss was computed at 20,000, that of the French at more, Benigson, the Russian general, was entreated by his officers to renew the action next day; but being short of ammunition and provisions he retreated. Lastly, let us view them at Borodino: both armies were perhaps 120,000 strong; the guns on each side 1,000.—"No action was ever more keenly debated or at so wasteful an expenditure of human life; the French carried the redoubts, but the Russians rallied under the very line of their enemy's fire, and again advanced to the combat."—"Regiments of raw peasants who till that day had never seen war, formed with the steadiness of veterans, crossed their brows, and having uttered their national exclamation 'Gospodee pomilominas,' 'God have mercy upon us,' rushed into the thickest of the battle, where the survivors, without feeling either fear or astonishment, closed to their ranks over their comrades as they fell: while, supported alike by their enthusiasm and sense of predestination, life and death seemed alike indifferent to them." The Russians were commanded to retreat, but so little were they broken that after the battle, at their leisure, they buried their dead and carried off their wounded.

Russian loss—45,000 killed and wounded, 2,000 prisoner: 13 guns.

French loss—30,000 killed and wounded, no prisoners: 10 guns.

This is the enemy we may have to meet. But still further to assist our judgment, let us see what British officers, who saw the Russian troops at Adrianople under all the disadvantages of a just terminated campaign, remark regarding them.—"The strictest discipline prevailed amongst them. The infantry regiments were reduced from 3,000 to 700 men, so great was the mortality: they made forced marches, carrying 16 days' bread, marching 12 hours a day in a burning sun, (lat. N. 41 to 43, about the same as the Oxus)—they afterwards suffered dreadfully from sickness;—5 to 700 sick at once; the cavalry men were very sickly—the horses in good working condition (forage plentiful)—the appointments rough but in good order." Among the sick the mortality was excessive owing to the disgraceful state of the commissariat and medical departments: so much were they without efficient medical men that many officers consulted the Pacha's physician, a mere quack.—The state of the commissariat may be imagined,—"there were loud complaints against the Commissariat General, who was

accused of selling the wholesome provisions received from Russia, and serving out inferior;"—again, "previous to leaving Adrianople, the soldiers had been repeatedly without food, and for a fortnight had not tasted wine or spirits, though selling for a farthing a pint."—The Russian rations are described by Major Kepple to be a small quantity of meat twice a week, biscuit of the worst description, baked like cowdung, and a little oatmeal.—Captain Alexander says black bread and salt, with a portion of spirits daily. This last officer thus compares the English and Russian soldier, &c. "The evolutions are performed with precision, but not with the rapidity of English manoeuvres. The cavalry move slowly compared with the impetuosity of British dragoons; but the Russian horse artillery are inferior to none. The common soldiers are patient under fatigue and privation, and from their submission to their superiors, they without hesitation follow wherever led and unflinchingly will stand exposed to the severest fire. Still in physical strength and reckless gallantry they are inferior to our troops." Of the Cossacks, Sir W. Scott remarks—"As light cavalry they are unrivalled; they and their horses have marched 10 miles in 24 hours without halting; with them in front no Russian army can be liable to surprise: in charging they spread out like a fan, uttering their hurra, each man acting individually." The devotion to their officers forms a peculiar and valuable trait in the character of the Russian soldier;—he is said to look up to his colonel as a second father;—an interesting instance of this Captain Alexander narrates in an account of a passage in a Russian transport.—"Every evening a party of men took their station at the skylight of the cabin, squatting on the deck with their heads, looking down upon us to hear the wisdom which issued from their *Palkovnicht* (colonel)."—There appears, however, to be no sense amongst them either of public or personal cleanliness—"I know no people more offensive from their unclean habits,"—"the state of their camp was dreadful."

From these varied extracts we may gather that, on the field of battle the Russian soldier is inferior to none; his passive qualities rendering him an invaluable military material;—of iron valour, patient of fatigue, capable of subsisting on the coarsest food, and devoted to his officers;—their light cavalry unrivalled; their light artillery inferior to none; their heavy cavalry only not so alert as the British;—and we have a military force, which if only supported by corresponding attention on the part of its Government to the efficiency of its medical and commissariat departments, would be truly formidable. Whatever may be the state of information among many of the lower grades of its officers, the general staff of the army has never been wanting; its quartermaster general's department is allowed to be particularly effective.—The defects we have above noticed, if they still remained unremedied, would, on such a peculiar and extensive line of operations as an attack on India in-

volves, I hesitate not in saying, be of vital importance.—The nearer their army approach India, the more irreparable would be its diminished efficiency from ill-regulated supplies of provisions;—the energies of the force would be cramped by the increase, and necessary provision for the security of its ineffectives; few of whom could be hoped to be restored to duty from the deficiencies of the medical department, aggravated, in hot climates, by the want of attention to personal cleanliness. That there would be much sickness in a Russian force, perhaps above all other Europeans, may be easily imagined: the intermediate countries, through which their armies would have to move, are chiefly pastoral, or producing grain far different to that to which the soldier has been accustomed; his diet would, however good the commissariat, be necessarily greatly changed, this and the effects of climate might safely be calculated to sweep off its thousands. Upon the whole, therefore, considering the *present* state of Europe and Asia, I should imagine any sudden immediate attempt at invasion above the strength of the Russian empire, mighty though it be. When we recollect the revolt at the accession of Nicholas; the consequences to be dreaded from the probable stagnation of all trade in the Baltic and Black seas; the forces to be kept up on the Swedish and Turkish frontiers, with those in occupation of Poland, we may conclude that without a single violation by us of Russian territory; but few forces could be spared for aggression by her, far less the numerous and efficient army that so great an enterprise would demand. I have before shown that the supply of 270,000 men, as late as 1830, was under *favorable* circumstances nearly a total muster of Russian *disposable* force; now with so many other defensive cares demanding the *utmost* attention of its Government, a few thousands of these only could be considered really available, and a few thousands, on such a base of operations, we should laugh at.

To draw myself the comparison between the Russian and Indian soldier is, as I have before stated, foreign to my intention. To assist my brother officers in doing so, by giving one or two extracts referring to the sepoy and our Indian resources, is only doing justice to the subject.

The latest total of the Indian army I have by me is for 1830, when its numbers, including the King's and Company's troops stood thus:

Engineers.....	1,084
Artillery.....	16,062
Cavalry.....	19,539
Infantry.....	1,69,617
Invalids.....	10,496

Regular Troops,\* grand total. ...217,008

Of these perhaps 28,000 are Europeans.—M. Jacquemont has given the following lively sketch of our force. "Know the Company's army consist of 300,000 men, 30,000 of which are King's troops, 7 or 8,000 entirely European



corps in the Company's service, such as almost the whole artillery; and lastly, the native army is commanded by European officers and non-commissioned officers, that is disciplined and drilled as well as the King's army, dressed like it, fights very nearly equal to it, and is commanded by officers in whom it has the greatest and justest confidence:—that in a country like this intersected by deserts, and in which the richest provinces, with the exception of Bengal, which is extremely distant from Erzeroum, could not support the smallest army;—the smallest body of troops, in order not to die of hunger and thirst, would have to drag along with it an immense number of elephants, camels, and waggons; that the Company has 3,000 elephants, 40,000 camels and matériel of all kinds and proportions, that it is always ready to take the field, &c. &c."

In conclusion, I feel I should not be doing the sepoy justice did I not here extract Sir John Malcolm's favorable opinion.

"The Bengal sepoys that were engaged in the attack of the French lines at Cuddalore behaved nobly,—it was one of the first times that European troops and the disciplined natives of India had met at the bayonet. The high spirit and bodily vigour of the Rajpoots of the provinces of Bahar and Benares (the class of which three-fourths of the army was then composed) proved fully equal to the contest. In a partial action which took place in a *sortie* made by the French, the latter were defeated with severe loss; and the memory of the event continues to be cherished with just pride both by officers and men of the Bengal Native Army. Had the result of this affair and the character of these sepoys been more generally known, some of our countrymen would have been freed from that excessive alarm which was entertained for the safety of our eastern possession. I trust that every event that can seriously disturb the peace of our Indian empire is at a great distance; but if an European army had crossed the Indus I should not tremble for its fate. I well know that the approach of such a force would strike no terror into the minds of the men, of whom I am writing, and that acting with British troops, and led by British officers, they would advance with almost as assured a confidence of victory against a line of well disciplined Europeans, as against a rabble of their own untrained countrymen. They might fail, but they are too bold, and too conscious of their own courage and strength ever to anticipate defeat."

Leaving now the subject of the soldier, the next point of consideration is the routes by which a Russian force might advance upon India.

These resolve themselves into two grand suppositions; the one by Persia, the other by the Oxus. It is generally conceded that the countries north of the Paropanisian ranges would be the more favorable base of military operations; but for this recognized preference, in our inquiry, it will be necessary to show some cause; to do this, however, in any

great detail would too much swell the limits I propose to myself. We will merely, therefore, take a general view of the difficulties to be overcome. Any route by Persia must be greatly influenced by the state of Persian feeling; in fact, Persia hostile, however little to be dreaded the nature of the force she could bring into the field, would, from the increased dangers of communication, the destruction of small posts and detachments, and the necessity nearly impossibility of obtaining supplies, be almost alone sufficient to render the success of any invasion based on her provinces, unless the force left to occupy the country was overpowering, or Turkey leagued with her enemies, doubly doubtful. The naval supremacy in the Black Sea also, which I trust an Englishman may be allowed to consider anything but dubious, if the Dardanelles were but free to his countrymen, must tend seriously to augment to diminish the number of difficulties. With Persia hostile and an English fleet triumphant from Constantinople to Trebizond, the security of this base of Russian operations would be too much endangered for any ruler of Russia to hazard the disposable force of his empire hundreds of miles from the limits of his sway, with communication likely to be entirely intercepted. The northern Persian provinces, those bordering the Russian frontier and the Caspian Sea are the most productive, and I might say the only valuable ones in Persia,—Mazanderan and Astrabad in particular being exuberant in their vegetation. In case of hostilities, therefore, Russia to deprive her enemy of such a source of supply, and to gain such neighbouring granaries for herself, would immediately seize these provinces; and hence they become the base of all after-operations. Say that this done, and the invading army advanced some 300 miles on its Indian route. Let us now suppose an English and Turkish force, landed in the neighbouring provinces, and advancing through a country favorably disposed,—the Russian reserves concentrate their detached posts throughout these provinces, and the communications of the grand army are left isolated and dependent on themselves. Remember that the natives are hostile; that the best toffuichees of Persia are inhabitants of these provinces; that intelligence at any time is with difficulty procured, supplies still more so, and without any action taking place between the regular armies, we may safely imagine that this difficulty of obtaining supplies, interruptions to convoys, and daily destruction of stragglers and petty posts, would tend in no trifling degree to augment the difficulties already attending the sufficiently severe march to the main army, by reducing it to depend on its own resources or the insufficient ones of the districts bordering the line of march, and still more by encouraging despondency from the unknown nature of the dangers it was advancing to meet, the certainty of annihilation in case of its success, and the prospect of destruction to all left behind sick. Thus far the picture is by no means flattering. When

again we further consider that the Ukraine for cattle and grain, the Crimea for camels, is one of the chief certain sources on which the Russians could depend, and the possibility of the interception and destruction of all facile means for the transport of such by the British cruisers; this, too, is only a fair addition to the hardships the Russians may be supposed to labour under. In the length of march their army would have to undergo, the mortality amongst the cattle would, I doubt not, be dreadful; for, if that mortality was sufficient to cover the roads with carcasses in the comparatively short march of the Russian army in 1830 through Rouchia, where the roads were good and forage plentiful, what might we not expect from the wilds of Khorasan? Having thus pointed out some of the calamities attendant on one supposition; before proceeding to any further considerations, we will state a few facts connected with Persia and its supplies. The only regular Persian army was that founded by the late prince Abbas Meerza; and in order to obtain a better idea of the Persian strength, it may be as well to state its numbers. Mr. Frazer says it consisted of

Regular infantry,.....	9,000
Ditto cavalry and artillery.....	1,240
Other regular horse and foot } at Erivan .....	5,000
Total regulars .....	15,240
Irregulars, half horse, half foot.	27,000
A kind of militia.....	8,000
Grand total.....	50,240

as this is the force of one of the satrapies only of the Persian empire, we might perhaps calculate its whole strength at some large number; but as all other troops are irregulars, by no means to be depended on, and who would only perhaps rise in case of the actual invasion of their own provinces, we may assume this amount, increasing perhaps the irregulars, by a few thousand, as very near the real one of the available forces of Persia,—and therefore one but little to be depended on as a means of direct resistance to Russian power. A more sure reliance may be placed on the absolute want of supplies throughout the country itself, as Mr. Frazer tells us, “the king himself finds it difficult enough to provide for the wants of any large force for any length of time.”—Again, “such is the difficulty of procuring supplies, and so equally are the demand and supply balanced, that even on the high road to Shiraz it was considered necessary to give intimation of the approach of the mission”—a party of 140 men and as many animals.—“Day after day and march after march the eye wanders unchecked over an uniform brown expanse; and there are villages on this plain, all that can be seen of them is a line or spot upon its surface, chiefly remarkable from the gardens that surround them, and not otherwise to be distinguished from the ruins which are generally in far greater abundance than the abodes of man.”

“Between Persia hostile and Persia acquiescent, these then may be considered as the principal additional difficulties to be anticipated;—this latter supposition we must now attempt to consider. In this case, the Volga and the Caspian would be the line of communication between Russia and Astrabad: on this, no opposition could be offered. Astrabad would form its position, be then probably the grand depôt for the Russian force, and base from which all its operations must emanate. From hence the route to India would be by Meshed and Herât to Cabool. On the maps the direct distance between Astrabad and Meshed is about..... 280 miles.

Meshed and Herat,.....	340
Herat and Cabool.....	620
Cabool and Attock.....	250

Total 1500 miles, as the crow flies.” If we therefore call the distance 1,800 or 2,000 miles we shall be nearer the truth. The usual marches for camels are 30 miles a day, the weight they carry 640lbs.; but as a large portion of the Russian force would be infantry, and as to be effective it would have to carry with it artillery-light and heavy, with attendant carriages of various kinds, and this over a country in many parts where a machine with wheels has never yet rolled, I cannot imagine that any force, with these encumbrances, even if the country was friendly, could average so much as 8 miles per day. It hence appears that if the force meet with no other than natural obstacles to its progress in order to move efficiently, it must occupy 225 consecutive days at least in its march. If the troops and cattle bore up against this constant movement, enduring all the changes of food and climate without suffering from sickness, they might certainly be considered veterans by the time they arrived at the Indus. The difficulties which present themselves obviously on this route are 1st, the enormous length of the line of communication; 2nd, the natural difficulties to be overcome from want of roads; 3rd, the paucity of supplies during the greater part if this long route; 4th, resistance of inhabitants.

Mr. Frazer tells us the proportion of cattle to men in his party was 150 mules to 140 men; to Mr. Elphinstone's proportion was 600 camels and 12 or 13 elephants, to a party consisting of his suite and servants, with an escort of 200 cavalry and 200 infantry, perhaps altogether 750 individuals.—In order to form an idea of the enormous number of cattle that would be required, we must remember, that speaking generally, these parties depended on the country they passed through for ordinary supplies; a large Russian force must frequently depend on itself; I should therefore be inclined to say that, independent of the cattle for military stores, we must allow one mule at least, perhaps a whole camel would not be in excess, for every soldier and follower of the regular force. From the disturbed state of Khorasan, the tribes resident there raise no more grain than is sufficient for their own consumption; large herds are their

chief wealth. I think Mr. Frazer's remark on the policy of one of the chiefs will put this forcibly: "while his grain was on the ground, the chief professed every obedience to the Shah; but no sooner was it safe in his granaries, than he resumed his independent tone, quite certain that even should a force be sent against him, it would be starved almost immediately into a retreat."

The province of Astrabad, in which must be situated the grand dépôt for the Russian force, is described by the same gentleman as being one which in beauty and richness he had seldom seen equalled—never surpassed; its cultivation is not of the best description, but the returns are abundant; however from the immense quantity of rain that falls and stagnates in the deep forests, in the hot months, disease is rife, fevers, both putrid and intermittent: beyond this province, the route to Meshed lies through the lower parts of the Elbourz chain; here the soil is very capable but from the constant incursions of the Toorkmans, it is deserted. In short to sum up in Mr. Frazer's words "the short and easiest route for any such force would be by ascending the pass leading to Bostam, by which, after a march of 3 or 4 days through morasses and forests, and then ascending a steep defile, the country becomes open, and, except a few rocky defiles, the road to Herat would be found tolerably good; but much of the country would be entirely desert, and still more but scantily inhabited. The remainder of the route to Cabool is of the same character, with occasional fertile spots, but altogether incapable of supplying any considerable force with sufficient provisions." Mr. Elphinstone generally describes the hilly country at the foot of the Paropamisian chain to be tolerably fertile, but any distance to the south it sinks into the bare sandy desert. However once arrived at Cabool, provisions are cheap, goats and sheep common, fruit abundant, horses for remount easily procured, forage plentiful, mules, camels and draught oxen from the plough, for there are not wheel carriages to be obtained: which, as the climate is described to be most genial, and none of the rivers between it and the Indus unfordable at the proper season, makes this city the very position the Russians could wish for reorganizing their force before coming in contact with us. Of the countries to be passed over, however, previous to their arriving at this city, we may in a great measure understand that although enough grain in the most fertile of them is produced for their own wants, and even for such commerce as exists, still any sudden or unusual demand few districts could supply. The supply of cattle, too, must depend chiefly on the state of feeling amongst the Toorkman tribes, who rear large quantities.

On these matters of primary importance therefore although it is possible that Russian foresight and influence might provide for them, we see there is but little ground for sure calculation, even supposing every intervening tribe friendly—this friendliness, too, under any circumstances, would proceed as much

from dread of the strength of the invading force, as any other cause; in case, therefore, of after ill success, this feeling could hardly be expected to endure the retreat when undertaken, if pressed at all, must be hurried, from any delay increasing the probability of a greater number of their fickle allies combining with their foes, for most of the supplies required, the retreating army must depend upon the country; these if not willingly given must be taken by force; the country along their whole route becomes hostile, and farewell to the remaining of this force. This supposition would have to be provided against; posts of communication must be established, magazines formed, and reserves as points d'appui located:—to do this on a line of advance of 1500 miles, would alone demand no trifling amount of force. However friendly the native tribes at first might be, the continued demands of these stationary detachments on their limited resources could not fail to diminish their zeal. From the necessities of the case, and as a terror to others, military execution would probably be inflicted sooner or later on more or less of the more sturdy non-yielders of supplies, which must render the safety of these posts very precarious. That an invading force would be joined by large bodies of the natives on its route is not difficult to imagine. A Koord of respectability informed Mr. Frazer, that so discontented were the tribes, that if a thousand Europeans, of any nation, made their appearance, 20,000 Koords would rise and join them. That this would be of any real advantage to such a force I doubt, as they must either, after leaving their own district, come on the Russians for supplies, or subsist by plundering the country they passed through (this most probably they would do at any rate)—either way their presence would only tend to increase the difficulties of the Russian commander: even refusing their services might be dangerous. The actual personal opposition from the inhabitants themselves appears a trifle in the scale of considerations. The Afghans are now so divided as to be capable of little effective resistance. In the time of their kings the national force was numerous; the more usual military power was

Doorances.....	12,000
Gholami shaps.....	13,000
A camel corps with swivels..	800
Hindoo sepoys.....	500
Eelgarree or militia usually..	5,000
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	31,300

But which could be increased indefinitely with means for paying them. In case of invasion, the *ooloosee* or levy *en masse* was recognised. The chief force is cavalry, armed with Persian swords and matchlocks. Mr. Elphinstone, however represents this Afghans and Kuzzilbasches to be enervated by the life they lead, and the late M. Jacquemont says, the ex-Shah Shooja told him that with a regiment of English sepoys, it would be easy for him to re-possess himself of his crown.

On considering the whole of the above remarks, it will appear that though the difficulties to be overcome are such as to render it by no means probable, yet under certain contingencies, even by this Persian route, it is anything but an impossibility for a Russian force to arrive at the Indus.

Having thus far reviewed the obstacles that have presented themselves to my mind on this route, before commenting on that by the Oxus, I must first offer my tribute of praise to the enterprise of Lieut. Burnes, to whose zeal we owe the only statistical information we possess, which can enable us to form any certain idea as to the degree of India's vulnerability from that quarter:

In reading this officer's account of the divided state of the various states bordering the Oxus, considering at the same time attentively the geographical position of the countries themselves, separated by mountains and deserts from any powerful nation being interested in their continued independence, the mind is impressed with one grand facility of this route above all others, that there is nothing to prevent the Russian advance on this side from being gradual, apparently nothing whatever to prevent these countries being seized, retained and organised to be an efficient base for all after movements; a few armed steamers on the Oxus, (and we see by Colonel Chesney's expedition the facility with which these may be put together,) and the work is done. For although the line of communication is still one of 550 miles in extent, yet it is in fact one only of a few days by the facility afforded by that important river, the Oxus, and the absence of all danger of interception. We must consider, 1st. The point of starting and its facility for receiving stores. 2nd. The desert and countries to be passed. 3rd. Military force to be overcome. 4th. Oxus,—with remarks on the healthiness of these countries, &c. Lastly, routes to India, &c. There are on the eastern side of the Caspian sea two bays, the one called the bay of Bulkhan, the other of Mangushlack, which have been speculated on as probable points of outset for any Russian attempt. No English traveller as yet has penetrated to this part of the country; the chief information we possess, therefore, is derived from Russian or native accounts. Mr. Frazer's investigations are apparently as nearly correct as possible, and in describing this part of the country I have followed him. Between the Caspian sea and Khivah, the starting point on the Oxus, is a belt of arid steppes in which water is very scarce. The distance from the bay of Balkhan to Khivah, Mr. Frazer sees reason to estimate at about 12 days journey or 350 miles. Mr. Mourarief, a Russian envoy to these parts, states the distance at 500 miles, in which there were several days journey continuously without drinkable water; but it is probable he was purposely carried along a difficult route by his guides. Mr. Burnes also describing generally the difficulties of the desert south of the Oxus says: "The nature of the roads admits of their easy obliteration, and if the beaten tract be once forsaken, the traveller and

his jaded animal generally perish." The Khan of Khivah, in an intended inroad into Persia, advanced into this desert, digging wells as he proceeded; the supply of water from them was scanty; out of a vast herd of camels he lost 2000. His father succeeded in passing, but lost nearly all his horses, and was obliged to leave his guns in the sand.

The route from the bay of Mangushlack, which port is described as resembling a lake, communicating with the sea only by a narrow inlet, and having an island in its centre, on which the Russians were desirous to build a fort, is only 10 days journey from Khivah or 250 miles; there is doubtless a scarcity of water on the road, but still the country is inhabited by tribes of wandering Toorkmans, who pasture their flocks upon the steppes, and caravans continually pass on this route. Of the two ports, this, therefore, appears the more advisable; in confirmation we read that the anxiety of the Russians to establish a secure footing at this port has been great: its facilities are beyond doubt; with Astracan for a grand dépôt and the Caspian behind them, they could easily establish a force there; only two or three days sail from their own shores." The Russian port of Astracan is situated at the mouth of the Volga, which river is said to travel for 3000 miles through the heart of the Russian empire, and to be navigable for vessels of heavy burthen throughout the greater part of this course: it is, with a fair wind at two days sail only from the port of Mangushlack. With such a water communication we can imagine nothing to prevent the equipment of the invading force from being complete: particularly as the Calmucks and other dependent Russian tribes, resident near Astracan, are pastoral, and could supply any demand for cattle for the first passage of the desert. In 1806 the Calmucks possessed 2,30,000 horses, 57,000 camels, besides sheep, horned cattle, &c.

Acknowledging therefore the possibility of arriving at Khivah, we shall next see that its conquest is easy. The extent of inhabited country dependent on this state is in length about 2 or 300 miles, and in breadth 50. The cultivated portions are in the neighbourhood chiefly of its five towns, and for their fertility are indebted to artificial irrigation. Its population may amount to 300,000 families, including the wandering tribes. Among other resources it produces silk, cotton, and a great deal of corn, and possesses 1700,000 camels. Mr. Frazer says "there is little doubt that the Russians might with common management not only conquer, but retain possession of Khivah, and project and prepare for ulterior greater enterprises." Its conquest would be an affair of no great difficulty, and according to the present line of Russian policy, the attempt will be made at no distant period. Among the inhabitants of the different states bordering the Oxus, there appears to be but little hope of their possessing so much general feeling as would induce them to combine for mutual defence: even if they did, we shall find from Mr. Burnes' statement of their military force, that it is totally insufficient to

resist any determined effort of Russia. The Khan of Khivah has 10,000 horse, chiefly Uzbecks, and 9 guns. Bokhara and Balkh—20,000 horse and 4000 infantry, (who, such is the abundance of horses, come into the field on horseback and dismount)—with 41 small brass guns, which they don't know how to use. The Eoljaree or militia of the two states may amount to 50,000. Lastly, the Koondooz state musters 20,000 horse and guns.

Total 50,000 horse, 4000 foot, with an indefinite crowd of militia, distributed over countries 550 miles in length. A large proportion of the horse consists of Uzbecks, who have few fire arms, are poor soldiers, but good irregulars. If we add that the inhabitants are generally inimical to the Russian, but have a high opinion of their power, we have said all.

In this statement of forces we see nothing whatever adverse to the probability of any attempt of the Russians upon Khivah, meeting with but few other obstacles than the difficulties in passing the intervening desert; this being the case, we may suppose them now arrived there. The town itself is a poor place, surrounded by a ruinous wall.—Its importance consists in locality, as the first depôt for further operations. Along the banks of the Oxus we have account of but few towns of any consequence. The chief ferrying places, Balkh and Koondooz, whose fortifications are sadly ruinous,—are the only points which it would be at all necessary to hold in force. With consideration for the habits and customs of the natives, and perhaps in case of necessity a few judicious examples, by way of terror, it would take no great length of time to organise these provinces for after purposes, those north of the Oxus being of less importance, might be left in something the same state of independence as our protected states. M. Mouraviev estimates in heavily laden boats the voyage from Khivah to near Balkhan about 12 days:—but by this route distance is nothing;—fatigue and its consequent effects being out of question by a water communication; the natives have no guns to speak of, and but few boats, which too, might with ease be all seized by the Russians. A few gun boats therefore with a steamer or two stationed at different points on the river, would be quite sufficient to cover and keep open all communication from Khivah to Koondooz. Mr. Burnes' description of the Oxus fully assures us of the truth of this position: "It is navigable from Orgunge to near Koondooz; its channel is straight, free from impediments, bed firm and sandy: is never fordable. In its floods it covers and fertilizes  $1\frac{1}{2}$  or 2 miles on each bank; its lowest breadth is 400 yards; about a month after its greatest rise the velocity is 6000 yards per hour. The river is occasionally frozen over annually above Koondooz and below Khivah. The number of boats is small; they are flat-bottomed and built of a particular kind of wood, which grows in abundance on the banks, and requires no seasoning before use; their burthen 20 tons, draught one foot when laden." But even sup-

posing wood and other supplies scarce, there is nothing whatever to prevent the whole being brought from Russia itself—gun boats, steam boats and tugs all in pieces, ready to be fitted together. To this extent by this route, we have seen nothing that can possibly tend to diminish the efficiency of the soldier himself: the account we have of the climate of these districts is, that Bokhara is healthy, dry, nights cool. Balkh unhealthy, hot; water bad. Khivah, no description. Koondooz, at least the town, is situated in a marshy valley, highly insalubrious; heat excessive; 3 months of snow; but higher up the Oxus, the natives speak in raptures of Budukshan, its romantic scenery and productions. But we are not to suppose that Koondooz, from which town or its neighbourhood, the starting point of the force for the passage of the Hindoo Coosh must be, would be the ultima thule of Russian conquest.

Budukshan, whose plains and valleys are fertile, whose hills are rich in minerals, presenting as it does such a healthy point for the assemblage of their masses of troops, offers too many advantages to be neglected: its resistance, from all accounts, would add but little to their other difficulties, or any at all correspondent to the advantages to be derived from its occupation. Before we proceed further, it seems advisable to remark, that although the dangers have been spoken of as being accomplished in days, I would by no means be understood to mean that that time would not be as much required, if not more, by this than by the Persian route. The great advantage of this over the other route is, that time does every thing; it would solidify their base and organise their sources of supplies; the more slow by this route the more sure: as whatever may be done, it is but too clear that there is not the slightest dread of, or room for, the British even attempting any opposition; the Russians have here the field all to themselves; we know too little of these countries and their inhabitants to be able to render them the slightest effectual resistance. There is a source of information and aid to the Russians on this route to which we must not forget to mention: it is the Russian slaves who are reported to amount to 12 or 15,000 at Khivah, and 60,000 at Bokhara.

Having now pointed out the probability and possibility of the Russians advancing thus far on their way to our Indian possessions, we may next, considering these provinces the base of operations, proceed to examine India's vulnerability from this quarter. Timour, we find from his own statement, entered India from Toorkishtan in 3 columns:—30,000 cavalry, already in Afghanistan, were directed on Mooltan: 32,000 cavalry by Balkh, Caubul and Peshawar to Attock: 30,000 cavalry by Samarcand towards Cashmeer. "In 1791 Prince Nassau presented to the Russian Empress a plan for sending the army through Bokhara to Cashmeer, &c. thence to Bengal. Little difficulty was foreseen in passing through Bokhara, it was even hoped they would be friendly, &c. They counted

on being joined in the north of India by the discomfited from all parts? Colonel Evans tells us that between Balkh and Cabool are several passes, they run along the sides or beds of the mountain rivers are subject to avalanches and are at no season good roads; there is also a pass from Koondooz to Attock by way of Peshawar and from Koondooz to Cashmeer." These references to Cashmeer I would have particularly borne in mind; for, to every military eye, it must be evident that the Russians possessed of Cashmeer hold the key of India; this perhaps will be better understood as we proceed. To continue our description of these passes from Koondooz, we extract Mr. Burnes account of his route from Cabool to Khoolum a point about equally distant from Balkh and Koondooz. "we crossed this stupendous chain by six successive passes, journey 260 miles in 12 days, through Bannechan to Khoolum, 40 miles east of Balkh. In May two of these passes were deep in snow, but by the end of June all were clear; heat very great at mid-day. No wood; a stunted ferze used for fuel in many places; but little verdure. In the defiles the road frequently passes by perpendicular heights of 2 or 3000 feet, and so tortuous was this pass that it forms as if it were in every half mile distinct enclosures, like fortified positions. The valleys, however, are stored with fruit trees—barley is produced. Of the other passes from Koondooz to Cashmeer we have no sure information, all we know is that two certainly exist, the city of Cashmere being a starting point for a caravan to Chinese Toorkistan.—To facilitate the passage of a Russian force into Cashmeer, which we before remarked a division of Timour's cavalry effected, we have supposed that the Russians take possession of Budukshan. This province is bounded on the south and east by the country of the Kaffirs.—As Kafferistan must of necessity be occupied in part by the Russians in their passage through its passes, it is necessary to consider Mr. Elphinstone's account of this little known territory. Amongst other boundaries it extends N. W. to Koondooz, and on the east extends for a great distance towards the north of Cashmeer.

The whole of this country is composed of snowy mountains, deep pine forests, and small fertile valleys, which produce large quantities of grapes and feed flocks and herds: the hills are covered with goats. The cultivation of grain is less attended to; the most common is wheat and millet. The roads are only fit for men on foot, and are often crossed by rivers and torrents, which are passed by means of wooden and swinging bridges. The natives of the valleys are rather numerous, and very active: their arms, daggers and bows, 4 feet long, with reed arrows, sometimes poisoned: they have also begun to learn the use of fire arms and swords. Surprise is their common mode of attack. These being the various passes. To return to our supposition. Somewhere about Khoolum a large division of the Russian force would concentrate for the passage to Cabool; prior to which detachments

would of course have occupied the mountainous passes and the roads leading to them, somewhat cleared. Not that I imagine there is any thing to fear from the hostility of the contrary probabilities are in favor of their being friendly: of this I need hardly quote authorities as it seems to be allowed by nearly every writer on this subject. A second column perhaps descends the passes to Peshawar, while a third takes the same to Cashmeer; the natural obstacles to be overcome by each are doubtless great, but to experienced officers they would at length give way.

It is now necessary to give some description of Cashmeer, to prove that it is a natural citadel by the occupation of which by a *coup de main*, and without any contest with our force than which nothing from our present Military position is more possible, every Russian object would be gained. It could then be no object with them to risk aught on the chances of an engagement, when time and such a position perfectly impregnable, must infallibly ensure, without danger, the accomplishment of all they wished. But I am asked, what have we been about all this time? I answer we should have heard for a year or two, that the Russians have been and are making some movements on the Oxus, in great force; but of their numbers and the nature of their movements we should get no certain information. We are all in doubt. We send envoys to Afghanistan and the Sikh chiefs to induce them to combine with us. We then rather late discover that our independent friends make very grand professions, but are unwilling to allow our troops to occupy positions in their country;—quite as little willing too to permit the surveys and estimates of the resources of their country, which we now find to be indispensable, to be made by our officers,—after losing much time in negotiation, and giving them time for preparation if they intended resistance, we can wait no longer. Our troops advance to the Indus: every exertion is now made to obtain information, which is any thing but easily procured from a country friendly only per force. Our generals know not when or where to look for the storm, but occupy the Indus, leaving Cashmeer, if they thought of it at all, to its native ruler, perhaps 3 or 4 regiments in observation on the higher Indus, occupying a position on one of the lower ranges of hills. The Russian columns at length are known to be advancing on the direct road towards Attock. Their front is covered with clouds of irregulars, they are in no hurry to attack;—but, occupying our general attention, wait for intelligence of the arrival of the Sir Cashmerian column, which once through the mountains, meets with no difficulty in overcoming Cashmerian resistance; the natives, according to Mr. Elphinstone, being of no account as soldiers. Some fine day perhaps, when our troops are dreaming of being hourly attacked, the Russian force makes a flank movement to its left of the pass to Cashmeer. Our general's army being opened, every disposable troop ordered by hook or by crook to pursue that

country; but he finds the Russians by passing the mountains have been before hand with him. All our fine defensive preparations on the left bank of the Indus we are forced to acknowledge useless; and as we are perfectly ignorant form which pass of Cashmeer it may please the Russian General to pour his force upon India,—we are obliged to maintain an enormous force at a ruinous expense. *This being the very least evil we can imagine.* And should the Russian general be only as fast at his duty, he would amuse our troops by his demonstrations, while his agents stirred up every corner of India against us.

In lieu of this if we on the contrary held Cashmeer in force, and had by some length of prior possession restored its resources to that oppressed country, we hold the citadel of India and a point to flank any force that might attempt to cross the Punjab. I mean to say our present line of frontier is virtually bad, leaving, as it does, in the hands of doubtful friends a strong country, fertile in resources, and now sustaining a force that may become hostile; a country, too, that every military man will allow, *we must occupy*, and which we may have to do by force when the exhibition of such force would be very detrimental to our interests.

I repeat again and again that it is essential for the security of our eastern possessions that we, as soon as possible, occupy the fertile countries of Cashmeer, Scinde, and the Punjab.

But let us make the few extracts I regret I can collect respecting Cashmeer, not having Bernier and Foster to refer to. "The valley of Cashmeer is surrounded by lofty mountains; there are but 7 passes into the province; two from the north, one from Afghanistan, and four from the south. That from Afghanistan is the most in use; "this road," Mr. Elphinstone says, "passes through a country composed of ranges increasing in height, the intervening country between them is excessively uneven and cut up by torrent courses; the passes are very difficult; on the best road near Cashmeer there is only room for one horseman, with perpendicular walls on each side."

Of one of the southern passes M. Jacquemont says: "I returned very late to the camp, through frightful roads; however I made all my people take the same precaution as myself; we dragged ourselves along, without accident, for half an hour close to immense walls along vertical escarpment." The revenue of Cashmeer is now 31 lacs, exclusive of ten expended on its own defence, but could yield double the amount. Lastly, Mr. Burnes's opinion completely corroborates all I have here advanced. "An enemy, native or European, if defeated in the plains might fly in the valley of Cashmeer every attempt at subjection; since it could subsist without foreign aid in a natural fortress that might be rendered impregnable." Enough has now been said to prove the great importance of Cashmeer to the security of India. With a few remarks on the statistic of the Punjab we must

draw towards a conclusion. Mr. Burnes says, "the population of the Punjab is 3,500,000 Mahomedans, and Hindoos; including 600,000 Sikhs.

Its army, regular infantry 2,5000 { equal to Sepoys,  
Do. cavalry and arty. 5000 { with 150 guns  
Irregular cavalry. 50,000 { well mounted, efficient and serviceable.

Total 80,000

The northern parts of the Punjab are hilly: Mr. Elphinstone returning by this route says—"the whole of the tract between the Indus and Hysudra, Jelum, 160 miles, is among the strongest I have ever seen:" its rivers, too, form splendid lines of defence. All travellers combine in describing its resources even now as great. What might they not be under our rule?—cattle and grain, mules, horses, and camels, abound. Although M. Jacquemont speaks of Runjeet Sing's ruining his country by keeping a standing force of 30 or 40,000 men; yet I prefer Mr. Burnes's statement that "we can readily discover the capability of the Punjab not merely to support its own army but that of another country. The roads admit of wheeled carriages, rivers are navigable, ferry boats and materials in abundance, and an army of 80,000 men has been maintained at Lahore from the neighbouring resources."—The country S. and S. E. of the Punjab and N. E. of Scinde is desert, incapable of yielding any supplies. Scinde itself, from its position at the mouth of the Indus, is rendered a desirable acquisition. In the lower parts, it produces grain in abundance, numerous sheep and horned cattle, superior camels, small horses, all abundant. Its population is thin, and water, about the mouth of the Indus, is scarce.

The last point of consideration remaining is the defensive positions necessary for the Indus itself. It has been already proved, sufficiently clearly, I hope, that the possession of Cashmeer, and occupation of the Punjab is indispensable to the successful defence of India: holding these, the Russian advance must then be confined to attempt by passing the Indus. Attock itself, being the usual point of passage on the best road, would be no bad position, but that as a fortification it is at present untenable, three of its sides being completely exposed to the fire of an enemy from the right bank, besides being commanded by a hill on the left. A large entrenched camp, somewhere in the neighbourhood, capable of making a good defence and covering magazines, materials for forming bridges, &c. across the river: another of the same description at the fork of the Indus, nearly opposite to Neithunkote, 562 miles from the mouth; a third large cantonment merely at Hyderabad, 135 miles before the separation of the various mouths of the Indus, these, with the main reserve N. W. of Lahore, ready to advance when required, would, as grand positions, be not bad. Mr. Burnes speaks of the insulated fortress of Bakkur, 135 miles below Neithunkote, as a most important position; but as he himself describes the branches of the



Indus there at only 400 yards each, and one of the main banks of the river opposite as 40 feet high, I should not consider the island, however European-like its fortifications, as very tenable against an enemy on that bank with artillery:—such an insulated position possesses the disadvantage of being easily blockaded by a very small force. It seems probable from the difficult nature of the mountainous passes on the right bank of the Indus, that with the assistance of the natives and accurate surveys, we might detach troops advantageously, and give the Russians some little work before they visited us. All the roads from Cabool to the Indus, south of that by Peshawur and Attock, are through sandy, rugged and difficult countries, where both food and water must frequently be carried. Mr. Elphinstone speaking of the road at Callabagh, 6 marches from Peshawur, says “the mountains descend on each side abruptly to the river, the road for two miles is along their base. So narrow and steep that no camel with a load could pass”—boats were obliged to be hired for carrying the baggage.

As we should have certain possession of one bank only of the Indus, it would be ridiculous for us to rely alone upon it as a communication between our stations on its banks, as by placing a battery any where on the opposite side our fine water communication by steamers and what not is rendered completely nugatory. The grand point in military defence is to possess facility of intercourse by means of good roads; a general can then calculate on his movement with precision; he can separate his corps with safety, as he knows to five minutes how long it would take to concentrate them again. This equally well with the surveys whose want I complained of in the beginning of the letter. Government are only now apparently opening their eyes to the value of grand and good military roads, particularly between our large frontier stations, which would not merely repay by their

military value, but also by the civilisation of the districts they passed through, by enabling them to exchange a produce it is now too expensive to move. The complete assimilation of every article of military store throughout the three presidencies, the one to the other, is a matter of no little consequence; for it would be of very little use having the Indus as a route to convey spare stores from Bombay, for repairing for instance the gun carriages, &c. of a Bengal force, when there is any thing but similarity between the two models. I might continue this letter further by speculating on the disposition of the natives of the banks of the Indus to join the Russians. I fully coincide with M. Jacquemont's remarks on this subject—“and such is the stupidity of the Indian princes, that they would either forsake the British Government or act against it, the moment a Russian army crossed the Sutledge”—yet what other nation in Europe would have left the vanquished in India so fair a portion! But the Asiatic nations will always remain in their nonage: they are never to be taught by experience. But as I will not suppose a Russian army will ever be permitted to cross the Sutledge, it is the less necessary for me to dwell upon the probable folly of the natives of India. To enter minutely also into the subject of our defensive position forms no part of the subject of this letter; to do so thoroughly requires a better knowledge of the surface of the countries, west of our present parties, than I believe our Government records could supply, neither is it my intention to deduce any further general conclusions from the facts which in this letter have been brought forward, than has already been incidentally introduced. If the Russians are brave, the English are so too; and enough has been said to prove that, for them to introduce a force, numerically and physically equal to the one we could bring forward, at the same point, is at least, a work of some difficulty.—*Bombay Gazette.*

## HINTS FOR SETTLERS.

### ON THE POINTS BY WHICH LIVE STOCK ARE JUDGED.

“Now, what are those *points* of an ox, a thorough knowledge of which is so essential to constitute a perfect judge? Could they be described and illustrated with such precision, as that they may be applied at once to every ox, in whatever condition it may be, a great advancement would be made towards establishing fixed rules for the right judging of all the domestic animals. Fortunately for the suppression of human dogmatism on this subject, nature herself has furnished rules for ascertaining points for judgment, which can only be discovered by long and constant practice. Nevertheless, I shall endeavour to de-

scribe them plainly, and after perusing the description, I hope my readers will perceive that they are established laws of nature; and are therefore unerring, and applicable to every species of cattle. Like other phenomena of nature, a knowledge of them can be acquired by observation. This knowledge is the most difficult a farmer has to acquire, inasmuch as the management of live-stock is a much more difficult branch of husbandry than the cultivation of corn. And although the importance of this knowledge is acknowledged by every experienced farmer, and a desire for its acquirement is strongly felt by every young one,



it is remarkable that very little is said in professed works on agriculture on those rules which guide us in judging of fat or lean livestock.

The first point to be ascertained in examining an ox is the *purity* of its breed, whatever that breed may be. The ascertainment of the purity of the breed will give the disposition to fatten in the individuals of that breed. The purity of the breed may be ascertained from several marks. The colour or colours of the skin of a pure breed of cattle, whatever those colours are, are always definite. The colour of the bald skin on the nose, and around the eyes, in a pure breed, is always definite, and without spots. This last is an *essential point*. When horns exist, they should be smooth, small, tapering, and sharp-pointed, long or short, according to the breed, and of a white colour throughout in some breeds, and tipped with black in others. The shape of the horn is a less essential point than the colour.

Applying these marks on the different breeds in Scotland as illustrations of the points which we have been considering, we have the definite colours of white and red in the short horns. The colour is either entirely white or entirely red, or the one or the other predominates in their mixture. The skin on the nose and around the eyes is uniformly of a rich cream-colour. The Ayrshire breed in its purity is also distinguished by the red and white colour of the skin, but always mixed, and the mixture consists of spots of greater or smaller size, not blended together. The colour of the skin on the nose and around the eyes is not definite, but generally black or cream-coloured. In other points, those two celebrated breeds differ from one another more than in the characters which I have just described. In the West Highland, Angus, and Galloway breeds, the colour of the skin is mostly black in the animals of the purest blood, although red, dun, and brindled colours, are occasionally to be seen among them. The black colour of the skin of the nose and around the eyes is indicative of the pure blood of black-coloured cattle, but a cream-coloured nose may frequently be observed among the other colours of skin. It would perhaps be hazardous to assert, in the case of the West Highlanders, that the characters above given are the only true indications of the pure breed, for their origin cannot now be certainly determined; but the characters given will certainly apply to the purity of the blood in the short-horn and Ayrshire breeds.

The second point to be ascertained in an ox is the form of its carcase. It is found, the nearer the section of the carcase of a fat ox, taken longitudinally vertical, transversely vertical, and horizontally, approaches to the figure of a parallelogram, the greater quantity of flesh will it carry within the same measurement. That the carcase may fill up the parallelogram as well as its rounded form is capable of filling up a right-angled figure, it should possess the following configuration:—The back should be straight from the top of the

shoulder to the tail. The tail perpendicularly from the line of the back. The buttock and twist should be well filled out. The brisket should project to a line dropped from the middle of the neck. The belly should be straight longitudinally, and round laterally, and filled at the flanks. The ribs should be round, and should project horizontally, and at right angles to the back. The hocks should be wide and flat; and the rump, from the tail to the hocks, should also be flat and well filled. The quarter, from the aiten-bone to the hock, should be long. The loin-bones should be long, broad, and flat, and well filled; but the space betwixt the hocks and the short-ribs should be rather short, and well arched over with a thickness of beef between the hocks. A long hollow from the hocks to the short-ribs indicates a weak constitution, and an indifferent thriver. From the loin to the shoulder-blade should be nearly of one breadth, and from thence it should taper a little to the front of the shoulder. The neck-vein should be well-filled forward, to complete the line from the neck to the brisket. The covering on the shoulder-blade should be as full out as the buttocks. The middle-ribs should be well filled, to complete the line from the shoulders to the buttocks along the projection of the outside of the ribs.

These constitute all the *points* which are essential to a *fat* ox, and which it is the business of the judge to know, and by which he must anticipate whether the lean one, when fed, would realize. The remaining points are more applicable in judging of a lean than a fat ox.

The first of the *points* in judging of a *lean* ox, is the nature of the *bone*. A round thick bone indicates both a slow feeder, and an inferior description of flesh. A flat bone, when seen on a side view, and narrow when viewed either from behind or before the animal, indicates the opposite properties of a round bone. The whole bones in the carcase should bear a small proportion in bulk and weight to the flesh, the bones being only required as a support to the flesh. The texture of the bone should be small-grained and hard. The bones of the head should be fine and clean, and only covered with skin and muscle, and not with lumps of fat and flesh, which always gives a heavy-headed dull appearance to an ox. The fore-arm and hock should also be clean and full of muscle, to endure travelling. Large joints indicate bad feeders. The neck of an ox should be, contrary to that of the sheep, small from the back of the head to the middle of the neck. The reason of the difference, in this respect, betwixt the ox and the sheep is, that the state of the neck of the ox has no effect on the strength of the spine.

A full, clear, and prominent eye is another *point* to be considered; because it is a nice indication of good breeding. It is always attendant on fine bone. The expression of the eye is an excellent index of many properties in the ox. A dull heavy eye certainly indicates a slow feeder. A rolling eye, shewing

much white, is expressive of a restless capricious disposition, which is incompatible with quiet feeding.

A calm, complacent expression of eye and face is strongly indicative of a sweet and patient disposition, and, of course, kindly feeding. The eye is frequently a faithful index of the state of the health. A cheerful clear eye accompanies good health; a constantly dull one proves the probable existence of some internal lingering disease. The dullness of eye, arising from the effect of internal disease, is, however, quite different in character from a natural or constitutional phlegmatic dullness.

The state of the skin is the next point to be ascertained. The skin affords what is technically and emphatically called the *touch*—a criterion second to none in judging of the feeding properties of an ox. The touch may be good or bad, fine or harsh, or, as it is often termed, hard or mellow. A thick, firm skin, which is generally covered with a thick set, hard, short hair, always touches hard, and indicates a bad feeder. A thin, meagre, papery skin, covered with thin silky hair, being the opposite of the one just described, does not, however, afford a good touch. Such a skin is indicative of weakness of constitution, though of good feeding properties. A perfect touch will be found with a thick, loose skin, floating, as it were, on a layer of soft fat, yielding to the least pressure, and springing back towards the fingers like a piece of soft, thick chamois leather, and covered with thick, glossy, soft hair. Such a collection of hair looks rich and beautiful, and seems warm and comfortable to the animal. It is not unlike a bed of fine soft moss, and hence such a skin is frequently styled "mossy." The sensation derived from feeling a fine touch is pleasurable, and even delightful, to an amateur of breeding. You cannot help liking the animal that possesses a fine touch. Along with it is generally a fine symmetrical form. A knowledge of touch can only be acquired by long practice; but, after having acquired it, it is of itself a sufficient means of judging of the feeding qualities of the ox; because, when present, the properties of symmetrical form, fine bone, sweet disposition, and purity of blood, are the general accompaniments.

These are the essential *points* of judging *lean* cattle; but there are other and important considerations which must claim the attention of the judge, in forming a thorough judgment of the ox.

The *proportion* which the extremities bear to the body, and to one another, is one of these considerations. The head of the ox should be small, and set on the neck as if it appeared to be easily carried by the animal. This consideration is of great importance in shewing cattle to advantage in the market. The face should be long from the eyes to the point of the nose. No face can be *handsome* without this feature. The skull should be broad across the eyes, and only contract a little above them, but should taper consider-

ably below them to the nose. The *muzzle* should be fine and small, and the *nostrils* capacious. The crown of the head should be flat and strong, and the horns protrude horizontally from both sides of it, though the direction of the growth from the middle to the tip varies in the different breeds. The ears should be large, stand a little erect, and so thin as to reflect the bright sunlight through them. The neck should be light, tapering from the front of the shoulder and neck-vein, with a gradual rise from the top of the shoulder to the head. The length of the neck should be in proportion to the other parts of the animal; but this is a non-essential point, though I would prefer an apparently short neck to a long one, because it is generally well covered with the neck-vein. A droop of the neck, from the top of the shoulder to the head, indicates a weakness of constitution, arising frequently from breeding too near akin. The legs below the knee should be rather short than long, and clean made. They should be placed where they apparently bear the weight of the body most easily, and they should stand wide asunder. The tail should be rather thick than otherwise, as thickness indicates a strong spine and a good weigher. It should be provided with a large tuft of long hair.

The first part which shews the fat in a feeding ox, is the point or top of the rump, which, in high-bred animals, is a prominent point: sometimes it protrudes too much, as the mass of fat laid on there is out of proportion to the *lean*, and therefore useless to the consumer. This is the part which frequently misleads young or inexperienced judges in the true fatness of the ox, because fat may be felt on this point when it is very deficient on most of the other points.

The parts, on the other hand which are generally the last in being covered with flesh, are the points of the shoulder-joint, and the top of the shoulder. If these parts are therefore felt to be well covered, the other and better parts of the animal may be considered ripe. Ripeness of condition, however, can only be rightly ascertained by handling, for there is a great difference between the *apparent* and *real* fatness of an ox. The flesh of an apparently fat ox to the eye, may, on being handled by a judge, feel loose and flabby; but a truly fat ox always feels "hard fat." With such the butcher is seldom deceived, while loose handlers give no assurance of killing well.

It is proper, in judging of the weight of a fat ox, to view his gait while walking towards you, which will, if the ox has been well fed, be accompanied with a heavy rolling tread on the ground. In this way a judge can at once come very near to its weight.

The application of all these rules and considerations to the judging of *lean* stock, constitutes the chief difficulty to the judge. An ox, in high condition, in so far as its consideration can be judged of, as we have seen, by any one; and sometimes the fatness may be so great as obviously to deform the sym-

metry to any observer. The superiority of a judge to others, in these cases, consists in estimating the weight, observing the purity of the blood, and valuing the points of the animal. But in judging of a lean ox, its future condition and symmetry must be foreseen. The rules which I have attempted to describe, will, if studied practically, enable an inquiring observer to foresee these points; and in judging between a number of valuable points, it should be remembered, that purity of breeding will always insure aptitude to fatten, which, in its turn, will insure the largest remuneration for the food consumed.

Sheep, both fat and lean, may be judged of by nearly the same rules. The purity of breeding will be seen in the large full prominent eyes, the clean thin bone of the head and legs, and the large thin, pricked up ears, set on each side of the top of the head, and in the short, thick, smooth, clear hair of the face and legs. The section of the form of the fat sheep is even more mathematically like a parallelogram than that of the fat ox. The touch of the skin is also the same in kind, and is as sure an indication of the disposition to fatten as in the ox. In regard that wool varies so greatly in the many breeds of sheep, I can only make this general remark on the fleece best suited to every breed, namely, the whole body should be well covered with wool, with the exception of the face and legs which are always covered with hair. A large covering of wool not only protects them against the inclemencies of the weather, and the coldness of the ground, but it supplies a large fleece to be disposed of to the wool-buyer. One deviation from the rules of judging cattle must be made while judging sheep, to which I have already alluded, namely, while the neck of the ox should be thin, that of the sheep should be thick; because a thin necked sheep is found to possess a weak spine, and is generally a bad feeder. A thin neck has thus the same effects on sheep that a small tail has on cattle. As in cattle so in sheep, a drooping neck indicates a weakness of constitution, arising from breeding.

Some of the rules for cattle and sheep are applicable to swine. Swine should have broad straight backs, round ribs, thin, small tails, short and fine muscles, pricked ears,

small and fine bones, and round and well turned shoulders and hams.

In conclusion, it is obvious that these rules for judging live stock, are not founded upon arbitrary assumptions. Had no natural means of judging existed, man could no doubt have contrived rules to suit his own convenience; and in such a case, he would probably have chosen such as he could have most easily applied; but unless they could be applied to the *growing*, as well as the *mature* condition of animals, they would be of little value. But we have seen that natural means of judging do exist, and although they cannot be easily understood without much observation and practice, yet, by practice, they can be acquired, and easily applied to the existing circumstance of the animal, whatever these may be. Any person, it is true, cannot at once perceive their necessary tendency is to lead to a correct judgment. Long and careful personal observation is requisite to convince the mind of their value in that respect. Tuition without practical observation cannot of itself do it. It has been the study of nature, in short, which has enabled man to establish these rules for his guidance; and as all the operations of nature are regulated by general laws, these rules must be of universal application. It is clearly established by observation, as an uniform principle of judgment, that when an ox, in a growing state, presents a certain degree of purity of breeding, a certain form of body, and a certain kind of handling of its skin, a certain result is undeviatingly exhibited in the mature state from these premonitory symptoms. Should this result conduce to the acquisition of wealth, we are anxious to possess the growing animal which exhibits such favourable points; and, on the other hand we are as anxious to avoid the possession of that animal which exhibits unfavourable points, unless at a very depreciated value. Now, it has been ascertained by experience, that pure breeding, perfect form, and fine touch, make the best mature animal. Hence these points will insure both the growing and the mature animal a ready market and a good price; and hence also, that breed which constantly presents these points, deserves, by its intrinsic worth to be generally cultivated.—*Quarterly Journal of Agriculture.*

## ASSAM.

The province of Assam is worthy of attention, not only from the prospect which has been recently opened up of its becoming a source of supply for the tea market, but also because of its extent and natural fertility, and of the character of the tribes which inhabit and surround it. It is also gratifying to find that Assam, like Arracan, furnishes an un-

equivocal instance of the British rule being a blessing to those who have been brought under it. Before it came under the dominion of the English Government, it had been impoverished and depopulated to a frightful extent, partly by intestine feuds and partly by foreign aggressions on the part of the Burmese, and of the mountain tribes who surround

it on all sides. But since 1825, when it was annexed to the British territories, as a consequence of the Burmese war, it has gradually been rising from the misery into which it had sunk: and the progress of improvement has been of late years an accelerating one.

Our readers can scarcely need to be informed that Assam occupies the entire valley of the Brumhapootra from Goalpara in N. lat. 26. 10. and E. long. 90. 30. to Sudiya in N. lat. 27. 50. and E. long. 95. 45. It stretches from Goalpara with the river in a north-east direction, and is enclosed on either side by hills—the lower ranges connected with the Himalya mountains on the north, and the Garrow, Khassia, and Jyntea ridges on the south. This long strip of well watered, fertile country is divided into three portions; namely, Lower Assam, Upper Assam, and the Sudiya country. Lower Assam extends from Goalpara on the south-west extremity, to the junction of the Dhunsiri river with the Brumhapootra above the town of Bishanath; Upper Assam extends from the Dhunsiri to the plains of Sudiya; and this last is described by Lieut. Wilcox, as a spacious level plain terminating the valley of Assam, intersected by a number of rivers, and surrounded by mountains covered with forest. The first two divisions formerly constituted the kingdom of Assam Proper; and the last was occupied by various tribes who acknowledged the Assamese supremacy. At present, Lower Assam is entirely under British rule; Upper Assam has been committed to the charge of the Native Raja Poorunder Singh, who has no right to the country but what the English Government have given him, and who is required to pay an annual tribute of 50,000 rupees, of much the same value as the new Furruckabad coinage. Sudiya, from the political importance of its position, on the frontiers in the direction of Burmah and China, is retained under the immediate superintendence of the British authorities.

At the close of the Burmese war the whole of the north-east frontier, including Cooch Behar, Bijnee, Assam, with all its wild dependencies, Sylhet, Cachar and Munipore, was committed to the care of the late Mr. David Scott, who had singly to settle the new relations between the British Government and the multitude of strange and uncivilized tribes scattered through such a compass of country, and also to undertake the entire administration, revenue and judicial, of those portions which were not left in independence, and did not fall within any previously established jurisdiction of the British territories. The natural consequence was, that he was overwhelmed with labours which no human strength or ability could overtake. His incomparable temper, and the generous policy he was left to pursue in his arrangements, won the affection and confidence of the people in a most wonderful manner. Even to the present day no Assamese can pronounce his name without blessings, and scarcely without tears. As a natural result of this impression,

the poor Assamese, who had been scattered abroad in all directions, soon began to flock back to their native land, and industry was renewed. But Mr. Scott was left with the assistance necessary for carrying his benevolent principles into action. He was obliged to depend upon native agency; and his officers were in many cases unworthy of his confidence, and beyond his effectual controul: Oppression and injustice, therefore, were dealt to the people; and the pleasing hopes with which they had returned to their native soil were bitterly disappointed. The agriculture, trade, and revenues of the country all languished. By degrees, however, Assistants were granted him from the Army; and before he died, the tide of prosperity had again begun to flow. The system of government in Assam is now entirely changed. Not only are the Assistants gentlemen selected from the Army, but the Commissioner himself belongs to the same branch of the public service: and thus, without increase of expense, a full and efficient body of judicial and revenue officers has been obtained, to the great advantage of the people.

The political relations of Government with all the tribes in Assam and its vicinity are intrusted to Major White as Political Agent, who generally resides in Upper Assam, and has an Assistant at Sudiya.

The administration of civil and criminal justice, and the care of the revenue, in the part of Assam which is retained strictly under British rule, are intrusted to Capt. Jenkins as Commissioner, and six Assistants, (three Senior, and three Junior,) who are placed under his authority. The Commissioner generally resides at Gowhattee, the capital of Lower Assam, but likewise holds regular Sessions at the different subordinate stations in that division of the province. His Assistants are placed sometimes singly, and sometimes two together, in different places of importance in the district. The several divisions under their charge are Coalpara, which embraces the Garrow Hauts, Garrow Mehals, Hydrachokey, Behar, and Bijnee; Gowahattee and the six Purgunnas, which it is intended should be formed into one district, and called Kamroop; Noagong; and Doorung, which is also styled Central Assam.

When Assam was first taken possession of by the English, the revenue system of the country was adopted, as in Arracan. A capitation tax of three rupees was levied upon every cultivator, who in consideration of this received two poras, or about six bigas of land for his cultivation, which he had a right to as long as he paid his tax, but could not dispose of—because the soil was held to be the property of the state. On mechanics and manufactures a higher tax was levied, which in some cases amounted to six rupees. As the levying of these taxes was intrusted to native collectors, who were under little controul, the people were subjected to exaction and oppression, which disheartened and nearly ruined them.

As a natural consequence, the revenue itself suffered, and was inadequate to the expense of protecting the country and administering its affairs. The system, however, has been changed, although we are not informed in what manner, and from the excellent arrangements of Captain Bogle and his colleagues, the people are now pursuing their labours in peace and security, with a fair return for their industry. One feature of the revenue system we have been told, is an entire exemption from transit duties and Custom-house chokeys. The population is daily increasing; and consequently cultivation is again restoring the face of the country to a civilized appearance, and trade is flourishing and extending. Goalpara is rapidly rising in importance as a mart exchanging the produce of the whole surrounding country, both subject to the British Government and independent of it; and Gowahattee has grown to a populous and well laid out town, from being little more than a cluster of huts. The revenue has also increased, and has begun, we believe, to furnish some surplus over the expenditure.

Upper Assam, which is the ancient seat of royalty, was given up to the Raja Poorunder Singh in 1833, as already mentioned, but for what reason it is impossible to divine; unless it were a selfish haste to escape the trouble of raising a ruined province again to prosperity. The Raja had no claim to such a promotion, unless he derives one from having had a principal hand in ruining the country by his previous usurpation. The people had no desire to be left to the tender mercies of such a man. And the British can derive no benefit from the measure, but will, in all probability reap annoyance and some danger from it, because they have awakened anew the Raja's ambition for rule, and have put in his hands the means of filling his own people with discontent towards himself and the paramount power which sets him up and protects him, and of engendering hostilities amongst the independent or protected mountain tribes in his neighbourhood, by his attempts to bring them fully under his dominion.

The population of Upper Assam is estimated at rather more than 200,000; and when the country was given up, the revenue had risen to between 80,000 and 100,000 rupees, and was increasing with the increasing security and comfort of the people. The Raja, it is understood, has realized a revenue of full 100,000 rupees; and, as before mentioned of stipulated tribute to the English Government is 50,00 rupees.

The whole internal administration of the country is in the Raja's hands; and he has restored the ancient system. The revenue is raised by a capitation tax, such as we have previously described. The ryots are divided into different bodies, denominated *khels*, which may embrace from 500 to 2,000 of them; and over each *khel* is a set of officers designated *Bornas*, *Sykeas*, and *Hazarees*,

who are all under the direction of one superior, or *khelder*, as he is called; who is generally a nobleman, or connection of the royal family. The *khelder* remits the revenue to the public treasury.

Each *khelder* has likewise both a civil and criminal jurisdiction. He decides civil suits to the amount of 20 rupees; and in petty criminal cases, he may punish by fine to the amount of 20 Rupees, or by corporal punishment as far as twenty ratans. The awards of the *kheldars* are subject to the revision of district courts, of which there are four. These Courts have likewise a jurisdiction of their own in causes amounting to 100 rupees. The Raja presides in person in a Sudder Court, held in Joraut his capital, in which all serious offences are tried, and civil suits of importance are decided; and to which there is an appeal from the inferior Courts.

To maintain his state and authority, the Raja keeps up a sort of rabble soldiery of about 500 men, who are armed with muskets, and trained after European fashion by native Commissioned officers from Hindoostan. It is easy to suppose they may be ready instruments of mischief.

In reading the narratives which have been published of the surveys made of Assam, and looking over the maps constructed from them, it is lamentable to remark how completely the face of the country is overspread with jungle, either of grass or forest, but especially the latter. Yet the soil of the whole country, and of Upper Assam in particular, is exceedingly rich; and from its diversified elevation it is adapted to the cultivation of every variety of crop. Rice, sugar-cane, pepper, mustard seed, cotton, and moozah silk are the chief articles of produce at present: but even in raising these, the natives are indolent and apathetic! and without some new stimulus to their industry, it is not likely to be extended to other objects. Under the administration of the Raja no such stimulus is to be expected. He is said to be oppressive, and to be already driving numbers of the sufficiently small population from his territories by his oppression. He has likewise commenced a monopoly of trade on his own account, and insists upon sellers selling only to him whatever he wants, and purchasers buying only from him whatever sort of commodities he has to dispose of. This system cannot last long; and the sooner Government break it up by resuming their grant to the Raja, the better will it be both for their own interests and those of the people.

It is, however, to the country about Sudiya, that attention has of late been chiefly directed: and we are happy to have it in our power to lay before our readers much interesting information respecting it, which, we believe, has not yet been submitted to the public.

**SUDIYA.**—We stated above that the whole country was divided into three portions, Lower Assam, Upper Assam, and Sudiya, with the neighbouring country. Lower Assam, extending on both banks of the Brumhapoottra from Goalpara to Bishanath, is retained under the full controul and government of the British authorities; Upper Assam, extending in the same way in the line of the river on its south bank, from Bishanath to the point at which the Dikho, having Rungpore on its banks, falls into the Brumhapoottra, and some what higher on the north bank, has been made over to the Rajah Poorunder Sing, on condition of his paying an annual tribute of 50,000 rupees; whilst, Sudiya and the adjoining country, making up the entire remainder of the great valley of the Brumhapoottra, until it is closed in by lofty mountains, between the 96th and 97th degree of east longitude, is kept under the immediate superintendence of the British authorities. Of the first two divisions we have already given some account; and we shall now proceed to describe the last.

The Brumhapoottra, in this higher part of its course, is also called the Lohit. In ascending it we still pursue a north-easterly direction, inclining considerably more to the north than before, until we reach the longitude of 95° 30' east; after which its direction is nearly due east, as far as the point at which it emerges from the mountains at the distance of another degree of longitude. At this point its channel takes the form of a rocky pool, which is popularly called the Brumhakond, and is held in estimation as a place of pilgrimage; although the unquiet state of the country for many years before it came under British authority as latterly prevented the general resort of devotees to it. The proper Brumhakond, however, which is described in the Hindoo shastras, is at the source of the river; and it is at present a question undetermined, whether it is at the source of that branch of the river of which we are now speaking, or of another branch which is believed to rise in the same mountains, but to take a different direction, and form a part at least of the Dihong, which joins the Brumhapoottra from the north, about twenty miles below Sudiya. The origin of both these rivers is supposed to be in a lofty mountainous range, covered with eternal snow, somewhere near the parallel of 29 north latitude, and about 97° 20' east longitude; and the Irrawaddy is believed to have its source in the same neighbourhood.

The whole of the plain of Sudiya and the neighbouring districts which we are now describing, appears from the maps,\* to stretch about 120 miles in length, and from 40 to 60 miles in breadth: and the larger portion of it lies to the south of the Brumhapoottra. It is intersected by numerous streams tributary to that river, which generally form the boundaries of the different districts into which it is divided, and which it is important, therefore, we should notice.

Through a great part of its course through Upper Assam, the Brumhapoottra is divided into two branches. The southern having the largest body of water, which, encompass a large island called Mojaolee, formerly well inhabited and cultivated, but now a wilderness. The Dikho falls in the southern branch of the great river about twenty miles below the upper extremity of the island, after having run a short course from the hills in the south east: and about the same place it is also joined by the Deesanz, which has a longer course and comes from a quarter more directly east. The intervening slip of country, between the Dikho and the Deesung bears numerous traces of former inhabitants, but is now entirely overrun with deep grass and forest jungle. The bed of the Brumhapoottra above the island of Mojaolee is intersected by numerous smaller islands; and, after ascending it a little way, we find it joined by another considerable river on the south bank. This is the Booree Deehing, which rises amongst the mountains to the south east of the vulgar Brumhakond mentioned above and flows from east to west, giving off a branch called the Noa Deehing which taking a northerly direction falls into the Brumhapoottra nearly opposite to the town of Sudiya, and bringing on the rest of its waters to the west until they are naturally intercepted by the Brumhapoottra as it flows to the south west. Its two branches, therefore, the Noa Deehing and the Booree Deehing enclose a large division of the plains adjoining Sudiya, which is bounded by the Noa Deehing on the east, by the Booree Deehing on the south, by the Brumhapoottra on the north, and converges on the west to the point at which the Booree Deehing joins the Brumhapoottra. This portion of the plains, again, is intersected in a sort of diagonal manner by a river or nulla called the Debooroo, which falls into the Brumhapoottra, about twenty miles above the junction of the Booree Deehing. The country from the Booree Deehing to the mouth of the Debooroo is entirely covered with grass and forest jungle. A line drawn southward from the mouth of the Debooroo till it meets the Booree Deehing forms the western boundary of a tract of land which has also the Booree Deehing for its southern, and the Brumhapoottra for its northern boundary, and on the east is bounded by a line drawn southward from a point on the south bank of the Brumhapoottra, opposite to the Koondel nulla on which the town of Sudiya is situated, to meet the Booree Deehing. This extensive tract is inhabited by the people called Mootuks, or Maomeccas, or Moraces; by whom, however, it is but very partially occupied. Their principal town, at which the chief or Bur-seena-puthee resides, is Runga Gora, on the Debooroo; and it is chiefly on the course of this river that the population is found. The people themselves we shall describe afterwards.

We have thus described the whole country lying on the south bank of the Brumhapoottra from the Dikho eastward as far as Sadiya. Further to the south of this tract are only the

\* We refer to the large and beautiful maps published in sheets in England from the latest surveys sent from India, which are on sale at Mr. Thacker's Library.

wild unsettled tribes of the hills. We shall now pass to the north bank of the great river, and travel in the same way from the west eastward. On the north bank, the district of Seesee, belonging to Upper Assam, which is in a state of great desolation from the continual ravages to which it was exposed before the country came under British rule. From the termination of the Seesee district to the point at which the hills first approach the river, the country is a perfectly uncultivated wilderness: from that point to the junction of the Dihong and the Brumhapoottra, the country is very thinly inhabited by the Meerees, a rude tribe totally differing from the Assamese, who have a few villages on the banks of the river, the greatest of which is Motongg, where the chief or Gaum has his residence. He has renewed his allegiance to Assam through the British Government, and sought protection, both for his own tribe, and for the Abors who live in the hills to the north of them.

The Dihong falls into the Brumhapoottra near Sitlancee Mookh, nearly in 95° 25' E. L. and 7° 45' N. L. and is an object of the greatest interest, because of the large quantity of water which it brings down, and the uncertainty which hangs over its origin. It comes immediately from the north: but the difficult state of its channel which is full of rapids with great masses of rock not *in situ* but brought down by the torrents from the mountains, and the impossibility of travelling on its banks, have hitherto prevented its being surveyed by European officers, beyond a few miles from its junction with the Brumhapoottra. Its volume of water is three times as great as that of the Brumhapoottra at Sudiya and was ascertained by Captain Bedford in December, 1825, to amount to 56,564 cubic feet in a second. It cannot be supposed, therefore, that all this water is supplied by a river of no longer course than that of the Sudiya river: and no one who reads the elaborate Appendix to Lieut. Wilcox's able and interesting Memoir in the seventeenth volume of the Asiatic Society's Researches, on the subject, will find much difficulty in believing, that the Dihong derives by much the greater part of its waters from the Sanpo of Tibet, although it brings likewise the sacred stream from the true Brumhakoon.

Just as the Dihong is about to fall into the Brumhapoottra, which it does in few streams, it is joined by the Dihong, a considerable river also descending from the mountains to the north, but from a more easterly direction. Its supply of water, which is not included in that of the Dihong abovementioned, is about two-thirds of that of the Brumhapoottra at Sudiya which Capt. Bedford estimated at 19,058 cubic feet in a second. The Dihong has been surveyed only a very short distance from its mouth, for the same causes which have prevented the survey of the Dihong: but there is no reason to imagine that its course is of great extent. The triangular piece of low country between the Dihong and the Dihong is a perfect wilderness, without inhabitants; but the high lands to the north of it are thinly occu-

pied by several tribes of the Abors of whom the most powerful, the Bor Abors, inhabit the northern and more lofty ranges.

The Dihong forms the western boundary of the district of Sudiya proper; which is bounded likewise by the Brumhapoottra on the south and is closed in on the north, and east by the mountain ranges which at the same time terminate the great plain of the Brumhapoottra. The town of Sudiya itself stands on a small stream, the *Koondeel nulla* or *panee*, about six miles from its junction with the great river. About twenty miles to the eastward of Sudiya is Sonapoor, formerly a strong frontier post of the Assam Government, beyond which the Brumhapoottra ceases to be navigable, except to the canoes of the country. The Sudiya district has a rich alluvial soil, low and well watered, which is exceedingly well adapted for the growth of rice and similar crops, and furnishes two harvests annually; but the inhabitants profit but little by its advantages, for only a small portion of it is brought into cultivation. Continued peace and security, with the continual influx of new settlers, will doubtless soon work a great change in this respect.

The district of Sudiya was properly subject and tributary to Assam, and indeed peopled by Assamese. Its present inhabitants, however, are chiefly refugees of the Khampteas and Mooluks, who were driven from their own abodes to the south east by Singphos from a still greater distance in the same direction, about fifty years ago. These refugees at first obtained permission from the Assam Government to settle in the plains on the south bank of the Brumhapoottra, immediately opposite the district of Sudiya; but during the civil wars, on the flight of Raja Gorenath, they passed over into Sudiya, took forcible possession of it, and reduced the Assamese inhabitants to slavery. Having thus placed themselves in opposition to the Assam Government they naturally took part with their enemies and invaders, the Burmese and their allies. They are subject to a Khamptee chief who assumes the old Assamese title of the Sudiya Khava Gohein. He has fully submitted to the British authority.

To complete our survey, we have now only to notice the plains which lie on the south bank of the Brumhapoottra, opposite the district of Sudiya, from the termination of the Mooluke territory to the mountainous ranges on the east and the south. These plains are intersected by two rivers, the Noa Dihong, mentioned before, which strikes off from the Bootee Dihong about thirty miles south of the Brumhapoottra, into which it falls a little to the eastward of Sudiya, and the Theinga panee, which terminates nearly at the same place after a short course almost from east to west, from the neighbouring mountains. On the latter river the chief part of the population of the district is found. The people were once proper Assamese subjects, but these were dispossessed by the tribes from the neighbouring hills who descended to the fertile plains which they now occupy. They are chiefly Singphos and

**Kakoos.** They were a most dreadful scourge to the kingdom of Assam, into which they made continual incursions with fire and sword, not only plundering all the property that fell in their way but carrying off the inhabitants, whom they either sold as slaves to the other Singphos, Khampteas, and Shaums of the more distant mountains, or kept in the same condition to cultivate their fields. Many of these unhappy captives were restored to liberty and home by the British troops when the Burmans were driven from the country.

**THE TRIBES NEAR SUDIYA.**—The first tribe we mentioned in our survey of the country beyond Upper Assam, was that of the Mootuks or Maomarecas, who inhabit the country on the south bank of the Brumhapoottra, from the mouth of the Debooroa to a point nearly opposite the town of Sudiya. Their number is said to be about *sixty thousand*. They profess to be Hindoos, and worshipers of Vishnoo exclusively: but they hold their religion so loosely, and are so negligent or ignorant both of its tenets and observances, that the people of Hindoosthan who have visited the country, will scarcely acknowledge them as Hindoos. They were formerly subject to Assam, but threw off their allegiance between fifty or sixty years ago, and established a sort of democracy, as some of their neighbours have likewise done. They have a chief, however, styled the Bur-seenaputhee, or Commander-in-Chief, as we should interpret it, who draws an inconsiderable revenue from presents on occasions of settling disputes, taxation upon new settlers, and labour contributed by the people. The tribe were much dreaded by the Assamese as a warlike people, and they suffered greatly from their predatory incursions. Many of them who had been reduced to slavery by the Maomarecas, were restored to liberty when the British Government took possession of the country. At present the Bur-seenaputhee and his people are in perfect submission to the British authority. The internal administration, however, is left almost entirely in the hands of the Bur-seenaputhee; but, in order to introduce a sense of the value of human life, they have been required to give information of every case of murder, or of any capital offence, to the Political Agent, Captain White, or his Assistant, by whom it is fully investigated, and decided. It was also a

part of Mr. Scott's policy, in settling the relations of the British Government with this and some others of the rude tribes, to require them to furnish a military contingent for the protection of the state, to whom muskets and accoutrements were allowed by the Supreme Government. But this part of his system has not answered well; for it has put superior arms into the hands of a wild people, addicted to plunder, who can easily find opportunities of abusing them in a country so little open to inspection and controul. It seems desirable, therefore, that such contingent should be dispensed with, and the defence of the country be intrusted to the regular troops. The country of the Bur-seenaputhee, resembles the rest of Assam. At present it is lying waste, and over-run with grass and forest; but it has every advantage for agricultural prosperity. The inhabitants occupy but a very small tract on the banks of the Debooro, and profit but little by their natural advantage. We must look to the continuance of external and eternal peace, and the progress of colonization, as the means of bringing their country to the state of productiveness for which it is fitted. No revenue or tribute we believe, is derived by the Supreme Government from this tribe; although in proportion as the benefits of the protection and pacification bestowed by it become apparent, and the resources of the country increase, it will be nothing more than equitable that they should contribute towards the expenses of the state. We have seen a notice of the Moamaracas as a distinct people from the Mootuks, but inhabiting a different section of the same country, and being equally under the authority of the Bur-seenaputhee, and holding the same relations with the British Government; but whether this view be correct, or the two names are properly applied to the same people, we cannot tell.

The next tribe we mentioned was that of the *Meere*; who thinly inhabit the country on the north bank of the Brumhapoottra, below the junction with it of the Dihong. This tribe seems to be but an off-shot from others of the same name, who live in the mountains to the north intermingled with the Abors; and the cause of their settling where they are now is said to have been the oppressive assumption of the Abors who held them to be little better than their slaves, and reduced them to the lowest kind of servitude. Their number is small, but increasing. They acknowledge the authority of a chief or Gaum, and they are recognized and protected by the British authorities in the same manner as the other tribes. They are in a very rude state, and have no sort of affinity with the inhabitants of Assam proper. Their customs are much the same as those of the Abors.

The appellation of *Abors* is given to a number of small tribes of one origin, and the same language and customs, who are not however united by a common government. They occupy the mountains immediately to the north and north west of the plain of Sudiya. The term Abor, as Lieut. Wilcox observes, is that

\* We take this opportunity of correcting a serious error we committed in our first article on Assam. It was there stated, that the political relations of Government with all the tribes in Assam and its vicinity, were intrusted to Major White as Political Agent, and that the Commissioner, Captain Jenkins, had in charge merely the administration of civil and criminal justice, and the care of the revenue in that part of Assam which remains strictly under British rule. Now the fact is, that the Commissioner is the paramount authority in Assam through its whole extent; and to him the proceedings of the Political Agent of Upper Assam and Sudiya are submitted for his sanction. This was originally our own view of the case, as it is consistent with the usual arrangements of Government; but we were misled by a statement not sufficiently guarded as to prevent mistake, which we found in one of the letters from which the greater part of our information on Assam has been derived. We trust it is perfectly unnecessary to assure the gentlemen whose functions we have unwittingly confounded that our mistake was altogether unintentional.



which the Assamese has applied to them and is not used by the people themselves. Its signification is *Independent*; and as might be supposed, it is given to tribes who have not been brought into subjection. The name by which they designate themselves is *Padam*. They are in a very barbarous state; but their disposition appears to be frank and friendly; and they have an undoubted claim to the title of independence, for they are not only unsubdued by a foreign power, but very jealous of their liberties at home. Each tribe appears to have a democratic government of its own, called the *raj*—the *res publica*—and all its proceedings are ordered by the voice of the people met in open council. Nevertheless they have their chiefs, whose business it is to carry the will of the *raj* into execution. Lieut. Wilcox remarks, that the Abors are not particular in their diet, but eat the flesh of the elephant, rhinoceros, hog, buffalo, kid, and deer, as well as fowls and ducks; but they express an abhorrence of feeders on beef. The wild animals they make their prey by shooting them with poisoned arrows; for they do not find that the poison renders the flesh unwholesome by its operation. It is obtained from the mountains still more distant than their own, which are occupied by the Bar-Abors and Meeshmees, to the north east. It is a root, which is brought to Sudiya for sale in baskets containing 20 roots each; and for five such baskets a string of beads is given, worth about two annas. When the root is freed from its fibrous coat it is pounded very fine; and the powder being worked up with a mucilaginous vegetable juice is brought to a jelly or paste, which is smeared over the points of the arrows. Its power is certainly great. We have seen it stated that an animal wounded with one of the poisoned arrows will fall before it can advance a hundred yards; but Lieut. Wilcox appears to ascribe a less rapid effect to it. The Abors are very partial to spirituous liquors and have a fermented liquor of their own. Their dress is sufficiently slight; and of its use for decency's sake they appear perfectly careless. They have a sort of dhooties made of the bark of the Iddal tree, which they tie about their loins, or use as a mat to sit on, or for a pillow at night. They sometimes wear basket, or cane caps; and they have nearly all "some article of woollen dress, varying from a rudely made blanket waistcoat to a comfortable and tolerably well shaped cloak." Of the religion of the Abors we have heard nothing, except that they pay some sort of worship to a mountain deity.

The *Bor-Abors* appear to be merely a superior tribe of the same scattered family. They live in the higher ranges of mountains more distant from Assam; and are both more powerful, and in a somewhat higher state of civilization than the Abors generally. They prefix *Bor*, or rather we imagine, *Burkhu* with the guttural *arh*, is the well known adjective *great*; and in this sense is applied by the Assamese to most eminent branch of all the rude tribes in their neighbourhood: and thus we have *Bor-Nagas*, and *Bor-Kangtees*, as well

as *Bor-Abors*. We have seen a list of as many as fourteen different chiefs of the Abors, with the particular localities of some of them specified; but it would not interest our readers. The population is considerable.

The *Meeshmees* appear to be a different race mingled with the *Bor-Abors*, and rather looked down upon by them. Over the whole, the *Sudiya Khava Goldin* appears to have so much influence as to be able to give a sort of safe conduct through their territories to pilgrims to the Lama country, whose route lies that way from *Sudiya*. The journey from *Sudiya* to *Rohemah*, the first important town of the Lama country, is said to occupy twenty days. For eight days the traversing the country of the *Meeshmees* and *Abors*; and on the sixteenth day he reaches *Bahlow*, the frontier post of the Lama country. *Rohemah* is reported to be a very fine large city, with brick houses three stories high, and having judges, collectors, soldiers, and all the apparatus of a civilized government. The *Abors* and *Meeshmees* do not appear to keep up any trade or intercourse with the Lama country themselves; but indirectly they receive cloth, and copper pots, and other articles from it. The articles which they bring to market themselves are chiefly musk and ivory; which we shall have to notice afterwards when speaking of *Sudiya* as a general mart for the trade of the surrounding countries.

THE TRIBES ABOUT SUDIYA.—We stated that the district of *Sudiya* was inhabited chiefly by refugee *Khampteers*, or *Khaugtees*, and *Mooluks*; and that the opposite plains on the south of the *Brumhapoottra*, from the *Maomareea* country to the mountains which shut in Assam on the east, were inhabited chiefly by *Singphos* and *Kakoos*, who are emigrants from the original seats of their respective tribes. A concise and accurate description of the relations of these tribes appeared in the *Calcutta Christian Observer* for August, from the pen of Captain Jenkins, to the Governor-General's Agent and Commissioner in Assam of which we shall take the liberty of borrowing the substance.

Captain Jenkins remarks that the north eastern district of Assam is occupied by two of the great Shan family, the *Khampteers* and *Singphos*. The dialects of these tribes differ very little from the Siamese and Burmese, and the characters in use are essentially the same; and in consequence of the supremacy of the Burmese being established over their original provinces, with the inhabitants of which the *Khamptee* and *Singhoemigrants* of Assam are still in constant communication, the Burman language is in a manner known to all of them. The *Shans* are a much finer and more intelligent people than the Burmese, and ten times as numerous; since their kindred races extend throughout the country whence arise all the mighty rivers from the *Brumhapoottra* to the *Yung Kian*, or river of *Nankin*. They occupy entirely the two frontier provinces of the Burman Empire, *Hookoom* and *Moong-koom*; they occupy all the east bank of the *Irawadee*; they stretch down the *Salwen*, to *Tenasserim*; and *Laos*, *Siam*, and *Cochin-*

China are their proper countries; they compose half the population of Yunnan, a great proportion of that of Szechuen, and stretch up into that district which has always baffled the Chinese, between Tibet, Tartary and Szechuen; whilst Assam is chiefly populated by the overpourings of this great people. The Kacharese are Shans; and the Ahoms, the governing race of Upper Assam for many centuries, are a tribe from the highest eastern sources of the Irawadec, and until very lately they kept up a communication with their parent stock.

The Khampteas of Sudiya are but a few thousands in number. They are under the government of their own chief, the Khava Gohain, who acknowledges the British supremacy, and yields obedience to the commands of our authorities. No revenue has yet been drawn from them; but they are under obligations to supply a military contingent for the service of the state, upon the plan mentioned in a preceding part. They are a people to whom hunting and plundering are much more agreeable than industrious labour; and their natural indolence has been of late aggravated by the introduction of opium to a melancholy extent. The soil is rich and fertile in a high degree, and wants only the hands of industry to make it extremely productive: the jungles abound with game, and the elephants yield considerable supplies of ivory; and the rivers at a short distance from Sudiya furnish a good quantity of gold. The natural advantages of the district are therefore very great. Both the Khampteas and the Singphos use the musket and ball for bringing down their game; but their chief resource is in the poison, formerly mentioned as an article of trade with the Abors. They do not, however, use it with bows and arrows, but with a barbed ramrod nearly as thick as the bore of the gun, and sufficiently long to allow the barb to project from the piece. The poison is laid on behind the barb in the shape of a black paste; and at the other end of the ramrod is a leaden counterpoise to the barb. The weight of the ramrod prevents its being carried far when shot; and therefore it is necessary for the hunter to find out the track of the beast he wishes to make his prey, and patiently to wait in a convenient position for his passing by. When a wound, however, is given, its effect is sure.

According to the late Captain Neufville, (*Asiatic Researches*, vol. xvi.) the Singphos are divided into twelve classes which are named after their respective chiefs or *Gaums*, and therefore the term "The Twelve Chiefs" is used to designate the whole race collectively. The Beesa Gaum, Duffa Gaum, and Lutcao Gaum, are the most influential of their race; but they have no acknowledged supremacy over the rest: and, indeed, but little union exists between the different clans, although they sometimes combine for particular purposes. The Singphos who have emigrated into Assam retain the distinctions of their original state, and designate their new settlements by the same names as those from which they at first proceeded; and therefore

we find the same names of places on the borders of Assam and on the other side of the intervening mountains, on the borders of Ava. The Kakoos are intermingled with the Singphos, and are counted inferior to them. Yet they are not a distinct people, nor in a servile condition: they are divided into four different tribes.

Before the plunder of Assam corrupted them, the Singphos carried on the cultivation of their fields, and other industrious occupations, through the service of the poorer and more destitute of their own people, who sold themselves either to a temporary or perpetual bondage to their chiefs, or more prosperous countrymen. But latterly all inferior services were performed by the Assamese captives, whom they carried off and reduced to slavery, and either retained for their own use or sold to neighbouring tribes. These unhappy people were kept in a proportion to their masters of fifty to one. Their law of inheritance is singular. Whatever be the number of sons, all the property is divided between the eldest and the youngest. The former takes the landed estate, or the place of settlement, and the title; and the latter receives all the personal property. The other brothers, with their families, continue with the chief.

The Singphos of Assam have mingled up many of the superstitious of their neighbours with the religion of Gaudama, who nevertheless has a temple and priest in each of their principal villages. They practise polygamy without restraint, but make no distinctions amongst their children, whether their mothers are Singphos or of a foreign nation; and they hold infanticide in abhorrence. In disposing of the dead, their customs resemble those of the Khassias of Cherra-ponjee. They sometimes keep the dead for many years, in order that due notice of his death and funeral may be received by every one who has any right to that mark of respect, and offence may be avoided.

The route from Assam to Ava passes from the new to the old settlements of the Singphos. It is usually described indeed, as commencing at Rungpore, at the south eastern extremity of Upper Assam. From that point it takes a north easterly direction, skirting the whole of the southern boundary of the country of the Burseanaputee, nearly to the place where the Booree Dihing throws off the Noa Dihing. In this neighbourhood is now Beesa, which is subject to the British supremacy; and in a line a little to the east of south from it lies old Bessa, where the intervening hills end; and thence the route passes through a fine populous, cultivated country, eight days' march to Mogaum or Moongkoom, from which there is an open road, as well as river navigation, to the capital of Ava. The distance between new and old Beesa is only ten days' march, when the march is from dawn to noon. The nature of the route is thus described by Captain Neufville: "It has been regularly traversed for a series of years, and is universally asserted to present no difficulties of any formidable nature: indeed the greater part is described as being excellent

winding round the high hills, and except in one or two instances with no very great angle of acclivity. Water is in abundance throughout, except at two places, the fourth halt from Namroop, and at the hill Theckeetaon, where it is scarce, but not altogether deficient." Five thousand of the Burmese troops appear to have marched over this ground at once; and elephants and other beasts of burden have traversed it on all occasions. There can be no doubt therefore of its being perfectly practicable to British troops, with all their baggage; and as the Singphos who have continued at old Beesa retain their respect for the chief of their clan who is now settled at new Beesa, and he is subject to our authority, the road may be considered open to us entirely.

**TRADE OF SUDIYA.**--In former times Sudiya appears to have been the *entrepôt* of a very considerable trade; for which, indeed, its position is admirably adapted. It has well defined routes, converging to it as a central point from Tibet, China, and the Burman Empire; through which the productions of these countries, and all the rest either depending upon them or intervening between them, may be brought: and its communication with India is always open by the noble stream of the Brumhapoottra. The ancient trade, however, was entirely gone, or very nearly so, when the country was added to the British possessions; and the previous political convulsions sufficiently account for its destruction. Its revival was one of the first attempts made by the late Mr. Scott. He succeeded to a gratifying extent. We have seen it stated that some time ago, the imports and exports at Sudiya had risen to between 25,000 and 30,000 rupees annually: but we could not make out from the statement, whether both the imports and the exports together had reached that amount, or whether each of them singly had done so. Neither can we say what is the present amount; although we have every reason to believe that it is regularly increasing.

The imports from the Indian side, and in a great degree of European manufactures, consist chiefly of cotton, broad cloth, muslins, long cloths, coloured handkerchiefs, chintz, and indeed all kinds of cloth, glass-ware, earthen-ware, considerable quantities of salt, opium and spirits, tobacco, beetul-nuts, and all the necessaries of life even to rice, particularly for the use of the troops. The returns for these commodities are made in gold, silver, ivory, musk, copper pots, munjeet, roots of various sorts, and native weapons, such as daws, bows and arrows, and such like.

This trade is not carried on by the proper inhabitants of Sudiya, but by enterprising individuals, natives of the Upper Provinces of Hindoostan, who have found their way into these regions. Indeed, by far the greater part of the trade of all Assam is in the hands of this class of persons; and to their enterprize, Gowahatee owes much of its rapid increase and prosperity.

The gold with which the market of Sudiya is supplied is furnished to some extent by the beds of the neighbouring rivers, and even by that of the Brumhapoottra itself at the distance of one or two days' journey from the station. This precious metal, however, is found still more abundantly in the native regions of the Singphos, which are under the influence of Ava. It is obtained in lumps of two and three sicca weight in the streams about Mogawam or Moong-Koom; which we mentioned in another page as the point at which the route from Assam to Ava terminated in an open way to Umrapore either by land or water. This region is rich also in other valuable products, and particularly in emeralds and other precious stones. They are found in a particular situation on the side of certain hills about five days' journey from Moong-Koom, within a district of three days' extent; and where they are obtained by sinking pits through the alluvial deposits down to the rocky surface. They appear to be found in large masses, which it requires some contrivance and labour to quarry. When a mass is found too large to be moved, the miners have a way of breaking off such portions of it as they think desirable which is rather peculiar. Over the portion to be broken off they kindle a strong fire; and when by this means the stone is intensely heated, a line is drawn about it with some peculiar liquor, so as to define its extent, and then a heavy stone suspended by a proper contrivance over the mouth of the pit is allowed to fall upon it, and the fracture is effected as desired. After the large masses are brought up they are cut into suitable shapes and sizes for the market by the help of a bow made of bamboo with a string of twisted wire. This is drawn quickly across the stone like a saw; and its effect depends chiefly upon a sort of lapidary's powder which they put upon it. The great destination of these precious stones is China, where they are in great demand, and fetch a high price: but the Burmans, as the paramount authorities of the county, levy duty of about 20 per cent. upon them at the mines. The number of people employed in procuring the stones is very great: and from the want of well defined rights of property, and general insecurity attending a state of barbarism, their richest prizes are won with much loss of life, as not only individuals but whole villages are drawn into contention respecting them.

The Chinese merchants who convey these stones to their own country come from the province of Manway, which is part of the celestial Empire the nearest and most accessible to our Eastern territories. Manway lies to the east of a range of mountains having the Singpho or Shan tribes immediately on the west: and the Chinese merchants have only to come across those mountains, bringing their goods on the backs of mules, and then a water passage is open to them down the Irawaddy until they reach the junction of the river on which Moong-Koom stands with the Irawaddy, which it takes them five days to ascend. These merchants bring to Moong-Koom, for the supply

of all the surrounding countries, clothes of various sorts, but particularly broad cloth and nankeen, silks, boxes of various kinds, tea, earthen-ware, lead plates, copper and silver. Indeed silver is their chief article of import; and some considerable part of what they import to Moong-Koom finds its way to Sudiya. It comes in small lumps, with a Chinese stamp and character on them. The lumps are all of different sizes and weights, and appear to be run into small holes formed carelessly with the finger, and then stamped whilst the surface is still soft. Some part of the silver of Sudiya is received from a mine in the Burkamptee country to the south east of the station, which is wrought by the Khunongs, a rude mountain tribe. There is reason to think that this mine is rich; but those to whom it belongs appear too much afraid of exciting the cupidity of powerful neighbours by the rapid development of their wealth to work it to a great extent. Its annual produce at present is valued at about 10,000 rupees. The Chinese silver is said to be very pure; yet coined rupees are preferred for currency by the people in the Assam territories. The various chiefs therefore have taken advantages of this preference to raise a revenue for themselves by coining. They buy up what is called the *kutch* silver, and by the admixture of alloy, and a large charge for coining, are said to realize a profit of nearly *cent per cent.* by turning it into *pucka* rupees.

Tea is used as a constant beverage by all the tribes between old Breesa and the confines of China: and indeed the tea plant is found either in a wild or cultivated state through the whole range of that country. About Breesa itself it is said to be growing wild, to a height between four and eight feet. It is in the neighbourhood of Palong that it is chiefly cultivated, in a hilly tract between Senwee and Mownay; the localities of which we have not been able to discover in any of our maps. The manufacture at Palong is said to amount to *lakhs* of maunds; but it appears to be made up very different from that in which tea is brought into the Canton market. The leaves are first heated in water to a boiling temperature, and then packed away in pits or vats for several months, preserved from the access of air, and finally crammed into earthen vessels or bamboos, which are carefully closed, and despatched into all parts of the country.

The ivory of the Sudiya market is brought in chiefly by the Kampteas and Singphos of the surrounding country, whose mode of shooting wild beasts, elephants as well as others, by a barbed and poisoned ramrod, has been already described. A few tusks are likewise obtained from the *Meerces*, *Abors*, and *Mishmees*, to the northward of Sudiya. It is from these northern tribes that the *musk* is chiefly procured. They bring in from 300 to 400 musks annually in the cold season; and although a very rude and ignorant race they have sufficient cunning to adulterate their merchandize with considerable expertness, by substituting small clots of blood for equal quantities of the real musk. The price they

realize at Sudiya for each musk varies from *one to three* rupees; and sometimes they obtain even *five* rupees. Another considerable article of their traffic is the poisonous root, which has been mentioned in a former page, and is used by all the neighbouring tribes with their weapons. They also bring into the Sudiya market copper pots and vessels, which come into their hands from the Lama country, although they do not appear themselves to go there. When the hot season approaches, and the cotton tree comes into flower, they take their departure from Sudiya, and return to their own mountains, taking with them in return for their own goods, worn out cattle for slaughter, beads, and such commodities as take the fancy of a savage people.

The daws, or short swords, and other weapons in the Sudiya market are the workmanship of some of the native tribes to the south of the Brumhapoottra, and on the banks of the Irawaddy. They are said to be formed of good steel: the price of the daws varies from *four to ten* rupees.

Should our hopes be realized respecting the tea cultivation about Sudiya, both its plains and mountains will before long become settled with industrious inhabitants of such a character as to draw upon Bengal for much larger supplies of the great variety of commodities both indigenous and foreign which she has to furnish than now go to those quarters; and the surplus of their supplies will be diffused amongst the surrounding tribes so as to raise the standard of their wants and introduce amongst them a higher state of civilization. The sketch we have given of the existing trade will shew in what directions it may be expected to extend itself: but of the riches we may eventually be drawn out of the forests, mines, and agriculture of Sudiya and the adjoining districts, we have no means of forming any just opinion. We question whether it will not be found some years hence, to be possessed of more natural wealth than any other part of India whatever. Gold, silver, iron, and lead, this country has already in considerable quantity; and, we believe, both coal and lime. What other treasures it may have of the same kind, we cannot yet tell: but these are enough to excite great expectations.

There is one part of the trade of Sudiya, or rather of the tribes in its neighbourhood, of which we do not know how to speak, for we have no accurate information respecting it: we mean the *trade in slaves*. When the English troops took possession of the country they sent home in freedom all the people of Assam who were found by them in slavery amongst the other tribes: but we believe no systematic suppression of slave-dealing has taken place either in Assam or the surrounding countries. On the contrary, we have understood that the Kamptee and Singpho chiefs in particular still maintain a constant traffic in slaves. We hope to receive more information on this point; and it is our intention to take up the subject of Indian slavery generally, which has been allowed to sleep too long.—*Friend of India.*

## THE JUDICIAL SYSTEM OF INDIA.

TO THE EDITOR OF THE BENGAL HURKARU AND CHRONICLE.

SIR,—I have read Mr. Cameron's papers with the attention which is due to the productions of a person who is likely to take so considerable a part in Indian legislation, and as the principles contained in them will no doubt often be brought under discussion in the law commission, I wish to make a few remarks upon them.

It appears to me that the Regulations for introducing complete uniformity into the Judicial Establishment, and for giving every court of original jurisdiction, with the specified exceptions, exclusive jurisdiction, over all causes, civil and criminal, which arise within the limits of its district, is a great improvement in the administration of justice. The appointment of assessors I also think a salutary check upon the presiding Judge, and cannot fail to have a favorable influence upon the native population.

The constitution of the Supreme Court with three Judges, the appellate jurisdiction vested in a circuit Court of Appeal, and the arrangements of the circuits, all appear to me well calculated for the expeditious and satisfactory administration of justice.

But there are other recommendations of the learned gentleman which in my opinion, are questionable and others highly objectionable.

I very much doubt the expediency of enacting that the pleadings shall consist of an oral altercation between the parties in open Court, with a power to each party to cross-examine his adversary as to the statements made by him. The parties themselves must often be incompetent to state properly their complaint or their defence, and must often be very unequally matched in point of intellect and dexterity. Giving the utmost credit to the judge for patience and clearness of perception, it is hardly possible that from the statements of the parties he should be able to get at the real merits of the controversy; and the personal collision of the litigants must lead to ebullitions of passion which it will hardly be possible to restrain. When pleadings were *ore tenus* in England, they were conducted by retained advocates, and they were replaced by the more convenient practice of statements in writing.

I would suggest that in India an attempt should be made similar to that which is now going forward in England to render the written pleadings more simple and appropriate, and that although it may be very expedient to subject the parties to examination, a better opportunity should be provided for this purpose than the commencement of the suit.

The abolition not only of all stamps, but of fees of Court I cannot approve of. The administration of justice is not a legitimate

source of revenue and the exaction of fees from suitors to be paid to the holders of sinecure offices is most iniquitous. But I conceive that the administration of justice may fairly support its own expenses, if the tribunals are properly constituted and a reasonable compensation only is paid for efficient services. This is cheap justice—as a general rule the losing party must be supposed to have been wrong and to have blamably occasioned the litigation. The costs of that litigation ought to fall upon him and not upon his fellow citizens.

I must for the same reasons still more object to the recommendation that the expenses of the witnesses on both sides in all cases should be paid by the public. The abuses to which such a practice would lead would not, I fear, be prevented by the proposal that the judge should first ascertain whether witnesses are material before they are subpoenaed. The judge must try the cause before he can determine upon the materiality of all the witnesses. The proper check upon summoning unnecessary witnesses is to provide that they shall not be obliged to attend till their expenses are paid, and that these expenses shall be paid in the first instance by the summoning party, who is to be repaid if he succeeds in the suit and shews that they were material. The alleged grievance of postponing trials on account of the absence of the witnesses may easily be remedied by requiring proof that their evidence is material, and that reasonable endeavours have been used to procure their attendance.

To guard the public against the abuses of litigation to be carried on entirely at the public expense, it is recommended that at the termination of the suit the judge shall punish by fine and imprisonment or both, any party to the suit who in his opinion shall have been guilty of an attempt to prevent or obstruct the course of justice.

To vest such a discretion in any judge I consider wholly inconsistent with the principles of a free Government. Supposing that no outrage has been committed amounting to a contempt of Court, and requiring immediate and summary punishment, the legitimate authority of the judge who has pronounced his decree upon the matter in controversy is limited to a control over the costs of the suit. If a party has been guilty of forgery or perjury or any other crime in the course of the suit, he ought to be prosecuted for it in due form, and have the means of defending himself. A law that no person should be permitted to commence or to resist any action unless at the peril of being both fined and imprisoned at the discretion of a judge would, I apprehend, often amount to a denial of justice.

Mr. Cameron, I observe, is one of those who do not deem it a right principle for the arrangement of a system of Courts of Justice, that an inferior class of judges should be provided, and less formal proceedings established, for the decision of small causes, than for those which involve claims of greater value. A small sum, they say, is of as much moment to a poor man as a large one to a richer, and the poor man has an equal right to a perfect administration of the law; but this can scarcely be adopted to practice, and is, at least, opposed to the established usage of almost all countries in the world in all times. There has hardly ever been any civilized estate in which there have not been inferior Courts, and more summary modes of proceeding for the settlement of petty disputes; and if the means by which justice must be administered, and some of the incidents of law, of property, and of crime are considered, reason appears to justify this usual course. For the most part, where the claim is trifling, the circumstances on which it depends are not difficult. A small debt does not usually involve a very long account; a dispute about a cottage does not often depend upon an intricate title; a claim of a hundred pounds rarely makes it necessary to explain the doctrine of trusts and uses. Again, the consequences which are attached to the decision of small claims, do not so urgently require caution and sureness of judgment as actions of

greater importance. In most cases it is not of equally evil consequence even to the parties themselves, whatever their circumstances may be, to make a mistaken decision as to fifty pounds as to fifty thousand; nor in a sentence of imprisonment for a year as in a sentence of death. Lastly, the smaller claims are everywhere by far the most numerous class, and taken altogether would occupy the most time, if they were to be tried with the same formalities as the most important cases. No state can find and pay judges of the highest qualifications in sufficient number for all cases, and yet it is desirable that as many such judges should be employed as can be found and retained! Surely, it is only plain sense to say, that these shall be employed upon the most difficult and important cases, rather than upon the ordinary and trifling ones. If laws are reduced to so much simplicity, that all are equally able to understand them, then, all Courts may be similarly constituted; but at present it is desirable to have some of a more powerful constitution than can be imparted to all, for the purpose of dealing with those classes of cases in which the greatest difficulties are to be overcome.

I hope you will excuse the hasty nature of these remarks. I have been obliged to put down the arguments as they occurred to me not having time to attend to methodical arrangement.

AN ENGLISH LAWYER.

## LETTER I.

Sir,—When we consider the amazing influence of laws in determining the happiness and forming the character of nations, it seems almost impossible to attach too much importance to the Law Commission which is now deliberating among us. The next four or five years will be the birth time of institutions which will last for ages, and the direction which will be given to the mind of the country in this short period will be carried on through countless generations. Such is the impression with which I have always regarded this momentous Commission, and such I contend is the impression with which it ought to be regarded by every body who has the welfare of India or of mankind at large at heart. India is not the only country which is being legislated for. Burmah, Thibet and China itself will, as they have been accustomed to do in former ages, take their laws or the spirit of their laws from India, and the Mahomedan nations to the north-west will profit by the example of the improved institutions of a country with which they are so nearly connected. In a large sense the Law Commission is a systematic application of the superior intelligence of the people of the west to the promotion of the happiness of their brethren in the east in that particular on which human

happiness mainly depends, and it is also by no means unlikely that some rays of reflected light may reach England herself, and that many highly beneficial principles will make more rapid progress in public opinion at home after they have had a successful trial in the experimental field of India.

I also consider it a matter of immense importance that this attempt was not made until the spirit of liberal investigation which has grown up of late years in all departments of knowledge had shed a new light over the intricacies of English law. Had the Law Commission been established in the time of Warren Hastings, the consequences might have been fatal. The doctrine of the perfection and infallibility of English law was then undisputed; men's minds had been accustomed to see it analysed and its different parts brought to the test of reason; the gold was still mixed up in one indistinguishable lump with the dross, and the certain consequence of any attempt at comprehensive legislation at that time would have been that either the whole body of English law would have been introduced with all its absurdities or it would have been rejected in the mass, and the persons entrusted with the work of legislation would have fallen back on the Mahomedan and

Hindu systems, or, what would perhaps have been still worse, on the unassisted results of their own reflection.

The English law is worthy of all respect as the system by, or in spite of, which we have become what we are, and its defects, though no doubt great, are easily accounted for. It has gradually grown up in a rude age. A great part of it has never been reduced to writing. When any question is referred to a professional man, instead of going directly to the law he has to hunt up and down through his books of reports to find, if he can, a case in point; and if not, to collect from a comparison of a number of analogous cases what is likely to be the decision in this particular case. Then the criminal law is barbarously cruel as was to be expected from the age in which it originated. Then as people grew more humane, in order to correct this excessive cruelty of the law, various clumsy expedients were adopted in the administration of it, the effect of which was that the escape of the innocent was favored as much as that of the guilty.\* To these causes must be added the just and salutary dread which was entertained of the arbitrary power of the crown which induced the friends of liberty pertinaciously to adhere to the old forms of law which favored the escape of the accused, and to add new provisions to the same effect whenever opportunity offered. The escape of a criminal here and there was considered, and very properly so, a ~~small~~ evil than the suppression of the liberties of a nation, and the absurdity of having none but freeholders to sit on a jury in cases of treason, was overlooked, and a provision to this effect was even inserted in the bill of rights by persons who remembered the sacrifice of a Russell and Algernon Sydney. Although the civil law was a more excellent rule for the decision of questions between man and man than our own rude and inartificial system, our patriots stoutly and successfully resisted the introduction of it because it was based on the recognition of arbitrary authority in the person of the sovereign. This preference of bad law liberty over good law without it will be found to run through the whole of our history, and these ideas are so interwoven in the minds of Englishmen, that it will yet take a long time to separate them. The same men (Coke for instance) who professed the utmost reverence for the most absurd dogmas of English law in the Court of justice, maintained the freedom of the press in Parliament. The two things were to a great extent identical in those days. The undue facilities of escape to the accused, which are so ruinous to the proper execution of criminal justice, furnished the only means of escape from the judiciary attacks of government and the maintenance of the old English law with all its imperfections, was the only shield against the introduction of the arbitrary code of imperial Rome.

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\* For instance the acquittal of prisoners in consequence of accidental laws in the indictment, the necessity of there being two witnesses to prove a charge of perjury or treason and the practice followed by judges of urging a prisoner who has voluntarily pleaded guilty to withdraw his plea.

Things have now happily changed. Liberty and bad law are no longer synonymous in England. The people have in effect taken the government into their own hands, and they are therefore no longer afraid of the law being used for the suppression of their liberties. There is no longer any object to be gained by crying up either the law or the mode of administering it as the perfection of reason. The fear of the introduction of the civil law and of vindictive state prosecutions has vanished, and people dare now to acknowledge that there are parts even of our ancient English system which might be altered for the better. Prejudices have relaxed, codification and improvements in the administration of the law have actually commenced, and it may be hoped that in the course of another half century our judicial system will be brought much nearer to the standard of reason and of real liberty than our ancestors had any conception of. Imperfections in the law may assist in the acquisition of liberty, because the same thing that favors the escape of the criminal also favors that of the persecuted patriot, but when liberty has once been attained, such expedients are no longer necessary, and we have then simply to consider what will be most conducive to the elucidation of truth and the punishment of the guilty without being embarrassed by any collateral consideration whatever.

This detail was necessary to explain the relation in which the English law ought, as I conceive, to stand to our new Indian law. It should be regarded as a store-house of rich experience, but by no means as a perfect model for implicit imitation. Its rules ought in every case to be consulted and compared with the corresponding enactments of the existing Indian laws, the civil code, the code Napoleon, and the Louisiana code, and if I mistake not, whenever they differ widely from what reason and experience dictate, the deviation may be easily traced to the peculiar circumstances of our political history above described. The very imperfections of English law will serve as a guide to us by pointing out the errors which we have to avoid.

I may now also observe without fear of being accused of taking up my opinions without due consideration, that I entertain a great dread of the appointment of English lawyers of the old school to the Law Commission, and my delight was proportionably great when I discovered by the publication of Mr. Cameron's Ceylon papers that that gentleman at least does not belong to it. As far as I can judge from these documents, he appears to be able to distinguish the useful from the useless in law as well as in other public affairs, and not to be disposed to consider every part a system beneficial because it has upon the whole been productive of more good than evil. He is evidently one of those few who, having analysed the mass, are prepared to take the pure metal and to reject the dross, instead of taking the whole, good and bad, together, which is still the case with the majority.

It may be supposed that I have laid too much stress upon this point and conjured up

fears which have no foundation in fact. Such however is far from being the case. Even in Calcutta indiscriminate admirers of English law are to be found, who do not hesitate to defend as the results of profound legislation, practices which were the mere temporary expedients of a half-civilized people struggling to defend their lives and liberties at almost any cost from the judiciary persecutions of the Crown. Of this class is your correspondent the ENGLISH LAWYER. But I must not speak of him with disrespect. His letters are able, moderate and reasoned as well as they

could be on that side of the question. I believe they contain all that an English lawyer of the old school could say against Mr. Cameron's propositions, and as I always intended from the first appearance of that gentleman's papers to publish my views on the subject of them, I shall now take these letters as my text and answer in detail the objections which are set forth in them. In regard to style I cannot do better than imitate my opponent, whose compositions are distinguished by a tone of gravity and decorum which is peculiarly suited to the nature of the subject treated of by us.

## LETTER II.

The objections to Mr. Cameron's recommendations contained in my learned friend the ENGLISH LAWYER's first letter, may be conveniently considered under two heads. 1. Objections to the method of pleading recommended; and 2. Objections to the arrangements recommended for casting the burden of the expense to be borne by the suitors upon that class of them only on whom it can justly fall in the shape of punishment.

My reply to each of these classes of objections will form the subject of a separate letter, and after that I shall proceed to the consideration of my learned friend's second communication.

On the first branch of the subject my learned friend says, "I very much doubt the expediency of enacting that the pleadings shall consist of an oral altercation between the parties in open Court, with a power to each party to cross examine his adversary as to the statements made by him. The parties themselves must often be incompetent to state properly their complaint or their defence, and must often be very unequally matched in point of intellect and dexterity. Giving the utmost credit to the Judge for patience and clearness of perception, it is hardly possible that from the statements of the parties he should be able to get at the real merits of the controversy, and the personal collision of the litigants must lead to ebullitions of passion which it will hardly be possible to restrain. When pleadings were *ore tenus* in England they were conducted by retained advocates, and they were replaced by the more convenient practice of statements in writing."

It will be seen by his 6th recommendation that Mr. Cameron has no intention of depriving the parties of the benefit to be derived from legal assistance whenever they can obtain it. I am perfectly sensible how inconvenient it is that parties should conduct their own case, and heartily wish that suitors in India were never driven to the necessity of doing so. What I desire is that the pleadings should be an official note made under the direction of the Judge, of the statements which

have been elicited from each party by an examination in chief carried on by his own advocate, and a cross-examination carried on by the advocate of his adversary.

My learned friend thinks it is hardly possible that from the statements of the parties the Judge should be able to get at the real merits of the controversy.

I am far from wishing to deny the difficulty of accomplishing this end by any means, but I think the mode proposed is the one by which that difficulty is reduced to a minimum. The written pleadings in the Mofussil Courts are frequently mere nonsense and impertinence. They are sometimes so unintelligible that the Judge on the day of hearing, not being able to comprehend them, takes down the verbal statement of both parties and then enters into the evidence; that is to say, enters into evidence which has been prepared by either party not to meet the real merits of the case, but to support his own unintelligible statements and to rebut the unintelligible statements of his adversary.

Add to this, that no means are taken to ascertain whether the party has any reasonable ground for his own statements, or for disputing those of his adversary, and it will be seen, I think, that the pleadings, instead of helping the Judge to arrive at the merits of the controversy, serve in general the purpose of preventing him from ever reaching them.

My learned friend suggests that in India an attempt should be made, similar to that which is now going forward in England, to render the written pleadings more simple and appropriate.

I submit that the defects of Indian pleadings are quite different from those of the English pleadings. The English pleadings are so encumbered with needless technicalities that they are unintelligible to the suitors, and frequently so general as to convey little information to the initiated of the real matter to be tried. But, these are defects in the system itself, and there is no want of skill in those who apply it.



In India the defects are—1. That there is no system of pleading.

2d. That there are no practitioners except in the capital who could apply it if there were one.

The remedy of the first, by drawing up and publishing a system of pleading, would be of no avail so long as the second remains unremedied. To supply a body of learned and practised pleaders is impossible, but to impose upon the Judge the duty of dictating the form in which the statements of the parties shall be officially recorded, when he has discovered, by a careful examination, what it is they really have to alledge against each other, is only to impose upon him a duty which, however onerous in itself, cannot fail most materially to lighten those which he must necessarily sustain in the subsequent stages of the cause. Even if the want of qualified pleaders did not render the English system impracticable, I confess that if I were legislating for a people having no attachment for the existing forms of procedure, I should not hesitate to make the same recommendation; because I am satisfied that by this mode of proceeding the questions of law and fact, which the parties have substantial ground for raising, will be separated from those which, when the Judge does not intervene, they raise for the sole purpose of embarrassing each other.

My learned friend goes on to say, "although it may be very expedient to subject the parties to examination, a better opportunity should be provided for this purpose than the commencement of the suit," and here I have the misfortune to differ *toto cælo* from him.

I beg it may be remembered that the majority of the natives of India do not scruple to support their own statements and to rebut those of their adversary by forgery and perjury when other means fail, and that it may be considered how much of these dreadful mischiefs will be prevented by the cross-examination of the parties at the very beginning of the suit in the presence of an impartial and enlightened Judge.

I wish the parties could be examined at the very moment when it enters into the head of one of them to become a plaintiff, and before he can have devised any fraudulent means of enforcing his real or pretended rights, and I would therefore institute this examination as soon as possible after the intention to sue becomes known to the Court.

From the moment that a party has been made, by examination and cross-examination, to state the particulars of his own case, and of the evidence by which he means to support it; from that moment it becomes almost impossible for him to invent any new fraud with a chance of success. In most cases the party will be compelled by this proceeding to disclose the real truth, but even when he succeeds

in imposing a fiction upon the Court, he must still confine his future endeavours to the support of that particular fiction, instead of choosing among all the various frauds by which the case of his adversary might be rebutted.

I feel the deepest conviction that a Court of Justice in India will be converted by this reform coupled with some others, from an arena in which the more skilful villain triumphs over the less skilful, into a school of practical morality which will do more to correct the prevailing vices of an oriental population than any other human institution.

That part of my learned friend's letter in which apprehension is expressed that the personal collision of the litigants must lead to ebullitions of passion seems more particularly to be founded upon the misconception that Mr. Cameron intended the discussion to be conducted by the parties themselves, instead of by professional advocates wherever they can be had, and I imagine that the expression used by him—"an oral altercation between the parties," must have given rise to this misconception, and also to the supposition that he contemplated an uncontrolled, and disorderly contest. The phrase "oral altercation" seems to have been borrowed from Mr. Sergeant Stephen's excellent treatise on pleading; p. 31; and Mr. Cameron appears to have meant by it only, as the learned Sergeant certainly did, that the parties or their advocates should address the Court alternately, not that they should do so irregularly and in the way of mutual interruption, which is perhaps the more usual meaning of an altercation, and he seems to have used the expression "between the parties" not as distinguishing them from their professional advocates, but in the same sense as is given to the term when we speak of written pleadings as the statements of the parties.

Notwithstanding this explanation, however, I am bound to admit that even in such an altercation as I suppose Mr. Cameron to have contemplated, unseemly ebullition of passion may have place, especially where no advocates are employed. But I can extenuate the force of the objection by pointing out that in the East, the respect usually shown to superiors is so great, that such an ebullition is not likely to occur in the presence of an European Judge. An artful and fraudulent statement, or one enforced, with the appearance of passion assumed for effect, is much more to be guarded against than an involuntary burst of genuine feeling. By this consideration, I say I extenuate the force of the objection, and I think that I entirely get rid of its effect upon the practical conclusion by pointing out that the ebullitions of passion which do sometimes occur in England when the prosecutor and accused are confronted before a Magistrate, are not considered evils of such weight as to counterbalance the great advantage to truth and justice, which result from such a proceeding.

## LETTER III.

I now pass on to the second class of objections made by my learned friend, viz. objections to the arrangements recommended by Mr. Cameron for casting the burthen of expense to be borne by the suitors upon that class of them only, upon whom it can justly fall in the shape of punishment.

He says "I conceive that the administration of justice may fairly support its own expenses."

Before I discuss the question in the abstract, I wish to observe that an attempt to make the administration of justice in India under British Government, support its own expenses, would assuredly produce a total denial of justice, an abandonment of the first duty of Government, and a reduction of society to a state of nature. This, however, depends on the peculiar circumstances that the judicial functionaries belong to that country in which of all others the value of money is lowest, and which is the richest in the world; while the people to whom justice is to be administered, inhabit a very poor country, and one in which the value of money is extremely high. Having adverted to these circumstances, I now dismiss them for the purpose of considering the question upon general principles.

Although I strongly recommend that litigation should be a pecuniary burthen upon those whose conduct makes it necessary, yet I cannot agree that the amount necessary to keep up an efficient Judicial Establishment, is a criterion by which the amount of the burthen can be adjusted.

The principal effect of a good Judicial establishment both in its civil and criminal capacity ought to be preventive.

The ideal perfection of such an establishment is that the certainty of obtaining immediate justice through its intervention should prevent the causes of litigation from coming into existence. Let us suppose for a moment this ideal perfection attained, there would be Courts of Justice with doors always open, but no suitor would have occasion to enter them. The expense of keeping them open must then be defrayed entirely by the public which would derive such incalculable benefits from them. This perfection is of course unattainable; but the supposition of it illustrates the principles I am considering, and though it be unattainable, it is not unapproachable. No man can doubt that in every country possessing a civilized government, a considerable quantity of injustice is prevented by the existence of courts of justice; probably the quantity thus prevented is much greater than the quantity redressed, and I acknowledge myself sanguine enough to believe that a much nearer approach to the supposed perfection may be made than we have ever yet seen in practice.

It follows from this view of the subject that the amount of pecuniary burthen to be imposed upon the culpable suitor is not to be regulated with reference to the expenses of the judicial establishment; in other words, that the notion of making the administration of justice support its own expenses must be abandoned.

The amount of pecuniary burthen to be imposed upon the culpable suitor might however be regulated with reference to those expenses which arise out of the particular suit, leaving the expense of maintaining the Judicial Establishment in a state ready for action to be defrayed by the public. According to this principle, the burthen of paying the expenses of witnesses ought to fall upon the culpable suitor, but the question still remains, on whom ought the burthen to fall in the first instance, and before it has been ascertained who is the culpable suitor—on the public or on the blameless suitor? I answer on the public; because, if it falls on the blameless suitor, it operates to deter him from asserting his just rights, it is a penalty upon seeking redress, and an impediment in the way of that preventive effect of the Judicial Establishment which is its most important result. This preventive effect depends entirely upon the efficacy which the Judicial Establishment is believed by the public to possess in redressing wrongs, and the belief of the public in this respect depends upon its actual efficacy in redressing wrongs whenever they are committed. It will sometimes happen that both parties are culpable, and then the burthen should be distributed accordingly. It will sometimes happen that neither party is culpable, but this will occur generally when the suit has been instituted to decide disputable questions of law upon admitted facts, and when consequently the expense I am now considering is not incurred. It may occur, however, in a case of disputable facts, but so very rarely that although according to the principle, the burthen should in that case be borne by the public, yet it is hardly worth while to make such cases an exception from the general rule that the expense of proving facts should fall, if the proof is given, upon the party who requires them to be proved; and if the proof fails, upon the party who undertakes to produce it.

From these considerations it is clear that the amount of pecuniary burthen imposed upon culpable suitors ought to be sufficient to defray those expenses which arise out of the particular suit. But it does not follow from these considerations that it should not be more than sufficient for that purpose. There is in truth another most important principle, according to which the amount of this burthen ought to be regulated, and according to which it ought frequently to be made more than suf-

cient to defray the expenses which arise out of the particular suit. I mean the principle that culpable litigation is an offence from which men must be deterred by the fear of punishment. The punishment of this offence (one enforced by imprisonment) is to be inflicted according to the scheme of judicature proposed for Ceylon, not indirectly nor under a feigned name, but expressly as a punishment for the offence. The nature of the offence is to be declared openly by the Judge, the opinion of the assessors is to be taken and recorded, and the quantity of punishment is to depend upon those considerations which determine it in respect of all other offences.

Whether or not the specific money with which these fines are paid, should be paid over to the Judges as part of their salary; whether or not the sum so raised should be set in the public accounts against the expenses of the judicial establishment, seem to me to be mere questions of fiscal arrangement with which we have no concern in this discussion.

The imposition of fees and stamps can only be justified, I apprehend, upon the ground that they operate as a punishment upon culpable litigation. The only other imaginable ground of justification is that they are a good tax, which is so manifestly untrue that I need not waste argument upon it. They have indeed, when considered as a tax, nothing to recommend them even to the fancy, but the circumstance that they are levied in Courts of Justice, and usually applied to defray the cost of those establishments.

Considered as a punishment, fees and stamps appear to me in all respects less efficacious than the fines which Mr. Cameron has proposed to substitute for them.

The actions from which it is intended that men should abstain through fear of this punishment are those which may be described generally as dishonest, or vexatious, or frivolous litigation. In one word culpable litigation.

The penalty intended to be the consequence of these actions, when it assumes the shape of fees and stamps, falls in the first instance upon every body who may by possibility have incurred it or be about to incur it. Afterwards indeed it is shifted on to the person who has actually incurred it if any such person there be, and provided he happen to be of ability to pay it. But otherwise it is suffered to remain where it first alighted.

Where neither of the parties to a suit is justly obnoxious to any penalty, as when they are merely applying to Judicial authority for the solution of a question of law which the legislature has not adequately expounded, the effect of the penalty is pure, gratuitous mischief. The money taken from these innocent men for the performance of an innocent action may indeed be employed for some beneficial purpose; but this attribute belongs to fees and stamps considered as a tax, not as a punishment, and is common to this with the worst tax that can be imagined.

When one party only is chargeable with culpable litigation, the exaction of a penalty from the party who is not so chargeable with a right to recover it if he can, from his antagonist, produces, as in the case last supposed, pure and gratuitous mischief, but of a more aggravated kind. It tends to deter the innocent party from maintaining his just rights, and not only does not tend to deter the guilty party, but actually encourages him in his malignant purpose by making an oppressive or vexatious lawsuit a sharper instrument of torture than it otherwise would be.

The penalty, even when, by the adjudication of costs, it has been at last directed upon the right party, is still not at all proportioned to the nature of his offence, and being mixed up with the real costs of the suit, loses the appearance, and with the appearance, the efficacy of a punishment.

I cannot myself perceive that the Judge will have any extraordinary difficulty in deciding whether either or both of the parties has conducted the litigation in such a manner as to justify the infliction of a penalty; but whatever the difficulty may be, it is the same and no other than that of deciding which of the parties is to pay the costs of each step taken in the course of the suit, which is imposed upon every Equity Judge in England.

My learned friend says, "supposing that no outrage has been committed amounting to a contempt of Court and requiring immediate and summary punishment, the legitimate authority of the Judge who has pronounced his decision upon the matter in controversy is limited to a control over the costs of the suit." But in the costs of the suit are included the stamps and fees; so that in this legitimate authority is included the power of directing on whom they shall ultimately fall, and what I ask is, that they should be suspended until the Judge is in a condition to say who that is. I further ask, indeed, that the judge instead of imposing a fixed amount of penalty beyond the real costs of suit (as he in fact does when he decrees that a party shall pay the stamps and fees upon the whole proceedings) shall have the power to graduate the penalty according to the degree of the offence, and to abstain from inflicting it altogether when no offence has been committed. This seems so reasonable in itself that I know not how to make it appear more so. If it be objected that this is to punish a man without a separate trial for the supposed offence, I answer that, where the supposed offence is the misuse of legal proceedings in the course of a cause, the judge and the assessors who have tried that cause, are more competent to adjudicate upon this incidental question than any other judge and assessors assembled at some future period to try it as a separate cause can be; and it seems to me that whoever denies this must also contend that there should be a separate trial before the question of costs can be properly adjudicated; and, as the question of costs must also arise in this second inves-

tigation, every suit would generate suit after suit *ad infinitum*.

In our own irregular and complex system the Court sometimes finds means of punishing a party who misuses legal proceedings, besides condemning him in costs.

Many applications are made in the progress of a suit which it is in the discretion of the Court to grant or refuse, and the Court is constantly guided in the exercise of this discretion, by the conduct which the party applying has observed in the use of legal proceedings; if he has abused them, as, for example, if, having the choice of two forms of action, he has adopted one with a view of unfairly embarrassing his adversary, the Court will tell him that he is not entitled to any favor. Upon the same principle, too, the Court will stipulate, as the price of its judicial favors, for the future good conduct of the applicant.

Now all this seems to me to be only a mode of enabling the judge to do clumsily, indirectly, clandestinely and occasionally, that which Mr. Cameron proposes he should do appositely, directly, openly and constantly.

The whole doctrine I wish to enforce on the subject may be well illustrated by a particular example.

Lord Tenterden at Guildhall refused to let a plaintiff have judgment of the term because he had brought an action of debt instead of an action of assumpsit. The facts of his case were capable of being stated in either form consistently with the rules of pleading, but the form he chose was the most burthensome to the defendant and his counsel was unable to suggest any other reason for its

adoption. Now Lord Tenterden did this case, because it so happened that the rules of procedure permitted, what I wish the Judge should be enabled to do, in a more effectual way, in every case of the kind. The plaintiff had used his strictly legal rights in a way needlessly oppressive to his adversary, and was therefore a fit subject of punishment. The facts of the case and the form of action in which the plaintiff chose to alledge them, were all before the Court, and his counsel could give no other explanation of his conduct than the one which admitted the impropriety of it. No one will say that in such a case the law ought to require that a man should be indicted for having sued in debt instead of in assumpsit; nor yet that he ought to escape with impunity, when he has once sued with no other object than of unjustly harassing the defendant.

I am not myself afraid of trusting a Judge sitting in public and checked by assessors, with the most unlimited discretion in this matter, but I see no practical objection to the fixing a maximum beyond which the fine or imprisonment by which its payment is to be enforced, shall not extend.

Mr. Cameron probably did not recommend this course in his report, because he did not think there is any real necessity for it. The discretion of the judges in punishing contempts of Court by fine and imprisonment is unlimited, and I never heard of a case in which it was even alleged that this discretion was abused, and yet a contempt of Court may assume a form far more irritating to a judge than the abuses of legal proceedings by which the parties seek to oppress each other.

#### LETTER IV.

I now proceed to answer my learned friend, the ENGLISH LAWYER's second letter, but, before doing so, I must notice a singular discrepancy between his first and second letter. At the commencement of his first letter the following admission is made.—“It appears to me that the Regulations for introducing complete uniformity into the Judicial Establishment and for giving every court of original jurisdiction, with the specified exceptions, exclusive jurisdiction over all causes, civil and criminal which arise within the limits of its district, is a great improvement in the administration of Justice,” while the whole of his second letter consists of an argument against this exclusive jurisdiction, the advantage of which had been admitted by him in his first, and in favor of the plan of establishing separate Courts for great and small causes, which in the great majority of cases is tantamount to establishing separate Courts for the rich and for the poor. I will not stop to draw all the conclusions from this extraordinary discrepancy which might fairly be

done and will content myself with remarking that the letters signed “AN ENGLISH LAWYER” must, it appears, have been the production, not of one, but of at least two English Lawyers; else how is it possible that so glaring an inconsistency could have found a place in them? However, the argument contained in the second letter must stand or fall by its own merits; and I shall therefore proceed to reply to it as if no such incautious admission had been made as that above adverted to.

It must be admitted that the highest degree of judicial skill is rare in every country compared with the inferior degrees of it, and that in no country is there enough of the highest degree for the complete investigation of all the causes to be decided.

The practical question then is, how can judicial skill, being subject to such conditions as above, be most usefully applied to the complete investigation of all the causes to be decided in a country?

The mode approved by my learned friend and usually adopted, is to attempt a division of causes into those involving great difficulties and those involving little or no difficulties. To apply the highest judicial skill only to the former class and to leave the other class to be decided by the inferior degrees.

According to this plan it is obvious that the division of causes must be effected by means of some external mark from which the difficulties of a cause may be known or conjectured prior to the actual investigation of it.

The external mark usually selected for this purpose and approved by my learned friend, is the value in dispute.

Admitting, as I do, a great part of what he says in favor of this external mark, it is still a very imperfect criterion. Many of the causes which, according to the spirit of this plan, ought to have been referred to the higher tribunals, will be by this criterion referred to the lower, and *vice versa*. Hence on the one hand excess, on the other hand defect in the application of Judicial skill.

But there is another and much more serious objection to this criterion than its imperfection for the specific object of determining the relative importance of causes, viz. that it divides causes into two portions of which the one contains all the important causes of the rich while the other contains all the causes of the poor, together with the unimportant causes of the rich.

The privilege thus given to the rich of monopolizing the best judicatures seems to me most invidious and pernicious, and I doubt not that it would be so considered by my learned friend himself if it were conferred upon the rich expressly as an aristocratical privilege.

That learned gentleman, if I do not mistake the spirit of what he says, would most gladly extend to the poor, if he thought it possible, the same inestimable blessing of good judicature which he provides for the rich. But the highest judicial talent, he says, does not exist in quantity adequate to the wants of the whole community. We must therefore confine the application of it to the most difficult causes, and in so doing we inevitably exclude the causes of the poor from its benignant influence.

If this is really his view of the matter, and if I can point out a scheme by which, without any invidious distinction, the highest judicial talent may be confined to the decision of difficult causes with a much nearer approach to accuracy than is made by dividing the whole mass of causes according to the value in dispute, my learned friend will be ready to substitute that scheme for the one commonly resorted to.

The scheme I mean is to have all causes tried in the first instance by those Judges who alone are sufficiently numerous for the task, viz. those who do not possess the highest judicial talent, and when actual investigation has dis-

covered which are the causes involving difficulties, and worthy on that account to be separated from the mass and submitted to that high judicial talent of which, it is agreed on all hands, there is not enough for every day use, to let these causes be carried up in appeal to the higher tribunals.

If it be objected that this is to allow each suitor to decide for himself whether the difficulties of his cause are such as to entitle it to an examination by the highest tribunals, I think it sufficient for the present purpose to answer that the objection applies not only to his plan of an universal appellate judicature, but to all appellate judicatures, and that appellate judicature is nevertheless admitted to be an excellent thing. But I am quite prepared, if it is desired, to set forth the provisions which will obviate in this, as in all other cases, the mischief on which this objection is founded.

One of the most striking advantages of this plan over that approved by my learned friend, is the effect it is calculated to produce upon the inferior Judges. According to the plan approved by my learned friend, those Judges would only have to decide causes which attract none of the public attention and are on that account not likely to attract much of the attention of the judge,—causes which though sometimes involving very considerable difficulties of fact and law present no motive by which the judge is likely to be stimulated to the exertions necessary for the solution of those difficulties. The only ambition of such a judge is to *knock off* as many causes as possible in a given time. No one will take the trouble to examine into the quality of his performances, but as the quantity may be seen by casting the eye upon a sum total, the praise of doing much is within his reach. I have myself seen Justice marching at so rapid a pace under these circumstances that her balance could not perform its functions.

The only way in which the inferior Judges could be stimulated to exert their faculties to the utmost, is to let them try causes which attract the public attention, because they involve the interests of the rich and great. The public care nothing about the difficulties of a cause or the learning and talents which may be displayed in the solution of them, if the only result of the decision is that one of two obscure individuals receives a few pounds from the other. The benefits of publicity have been so strikingly exemplified in the judicial history of England, and are indeed so universally acknowledged, that it would be an impertinence in me to argue in support of them. But publicity exists only in name for a Court which is never permitted to examine a cause in the decision of which any one but the plaintiff and defendant feel the slightest interest.

It is unfortunately true that one cannot by any contrivance completely supply a motive by which the public may be induced to give to the affairs of the labouring class, considered as individuals, the same attention which

the affairs of noblemen and gentlemen naturally attract to themselves; but a great deal may be done towards this desirable end by mixing up the affairs of all classes together, by providing that the causes of all shall be tried in the first instance in the same place and by the same judges. A man who has come from his home to the Court of Justice to hear a cause about which the whole town is talking, will listen to what is going on while he is waiting in Court, though he may hear nothing for the sake of which he would have postponed his other avocations.

But by far the most important effect of this argument is that produced upon the mind of the judge by trying causes of general interest. This effect consists partly of the legal knowledge which he is stimulated to acquire, partly of the habit which repeated efforts induce upon his mind of applying, without present effort, that knowledge to individual cases and partly by the habit, similarly induced, of exerting, without present effort, a vigorous and sustained attention. A benevolent and conscientious Judge would indeed be ashamed to regulate the exercise of his faculties, however laborious that exercise might be, according to the condition of the suitor, but when the Judge has actually acquired the knowledge and the habit above mentioned, there is no need to ask any thing of his benevolence; it is as easy for him to try a cause well as to try it ill. If any one desires a practical assurance that this doctrine is correct, let him attend the sittings in London and Westminster and observe how causes of small amount are investigated by the two Chief Justices of the King's Bench and Common Pleas.

It is very true that such causes are tried at an expense which compared with the value in dispute is enormous, and this leads to the consideration of what are called summary modes of proceeding.

It is no doubt of great importance to men who are litigating about small matters that the proceedings by which they are to arrive at the desired object should neither be expensive nor dilatory, and if none but an ignorant and inattentive judge could be got to preside in a Court where the proceedings are summary, it might be a question whether the suitors in

causes of small amount would be better off with a good judge and a bad procedure, or with a bad judge and a good procedure.

But there is no natural connection between the inaptitude of the judge and the summariness of the procedure, though it is perfectly true that accidentally they have in general been found in connection.

Causes of different sorts require different incidents of procedure, but they do not therefore require different judicatures. A cause involving accounts must be referred to some person appointed by the Court to examine and report upon them, a cause not involving accounts needs no such proceeding. Does it follow from this that you must have two sorts of tribunals, one to decide causes involving accounts and another to decide causes involving none, instead of having one tribunal to decide both sorts of causes with a power to refer accounts when there are any? And if this does not follow, what is there to prevent one and the same judge from trying every class of causes according to that form of procedure which is found best adapted to it?

All the different forms of procedure should indeed be carefully described before hand, but when that has been done, there is no danger in allowing the Judge adjudicating in public, and subject to an appeal, to apply to the cause before him that form by which it will most speedily arrive at a legitimate termination. The rule then which provides that all causes shall be tried by the same Courts does by no means necessarily imply that they should all be tried according to the same forms of procedure.

Another great advantage of this plan is that it economizes far more effectually the time of the superior Judges than the plan approved by my learned friend.

According to the latter plan much of the highest Judicial skill is wasted in deciding matters of the simplest kind. For though it be true, as he says, that a small debt does not usually involve a very long account, and that "a dispute about a cottage does not often depend upon an intricate title" and that "a claim of £100 rarely makes it necessary to explain the doctrines of trusts and uses", yet it is not true that a claim for a large sum necessarily

involves any difficulty. The difficulties in an action upon a bill or bond seldom bear any proportion to the amount which happens to be secured by those instruments. Moreover even in the most intricate cause there is always much matter which is not intricate in attending to which the time of the most highly gifted judge is wasted. Whereas in the plan I advocate all the unimportant parts of a cause are finally disposed of by the inferior tribunals, and nothing remains to occupy the attention of the superior but those knotty points which can only be solved in a satisfactory manner by the highest judicial sagacity.

Again, it is to be considered that if there are a hundred cases involving the same questions of law, it is the one first tried only which involves any legal difficulty; the ninety-nine involve no difficulty at all, for the solemn argument and decision of the question have removed it. Yet, according to the plan approved by my learned friend, the facts of all the hundred must be tried by the superior tribunal if the value in dispute happens to reach the requisite amount. In the plan which I recommend the ninety-nine would all be finally disposed of by the inferior Courts.

To sum up then, these two propositions,

1. That the highest judicial skill never exists in sufficient quantity for the decision of all the causes in a community.

2. That the poor cannot have the benefits of the good judicature unless they are permitted to bring their causes before the judges who decide the causes of the rich and great.

These two propositions, I say, both point to the same system of judicature: and, as these two propositions are entirely independent of each other, they furnish two entirely distinct arguments in favor of that system.

When I said above that I admit a great part of what my learned friend says in favor of considering the value in dispute as a criterion of deciding whether the cause is one requiring the highest Judicial talent for its solution, I meant that I admit the value in dispute to be in some degree a criterion of the difficulties of the cause, but I am very far from admitting that it is any criterion of how far the correct decision of the cause is of importance to the parties and the community.

With respect to the parties. It is manifestly not the absolute amount of that which is in dispute, but its relative amount to their entire possessions which constitute its importance. £10 is not only as important to a man who has but £100 in the world, as £10,000 is to a man who has £100,000, but it is even considerably more important.

Moreover, too, the poor man depends far more upon a good and cheap administration of justice for the security of his £10 from fraud and violence, than the rich man does for security of his £10,000.

In the most barbarous and lawless society a great man can by sacrificing part of his property protect the remainder. A man of low condition can only hope for security from the casual spoiler, by selling himself to some neighbouring despot.

And hence appears the preponderant importance to the whole community of rendering good judicature accessible to the lowest classes; for upon this depends their secure enjoyment of the fruits of their industry; upon the secure enjoyment of the fruits depends their industry itself, and it would, I suppose, be superfluous to enlarge upon the immeasurable benefit to the whole society of an industrious labouring class.

I beg it may be observed that throughout this discussion I have not disputed my learned friend's propositions that "it is desirable to have some (Courts) of a more powerful constitution than can be imparted to all, for the purpose of dealing with those classes of cases in which the greatest difficulties are to be overcome."

My difference with him is wholly as to the mode in which the cases to be submitted to the Courts of the most powerful constitution, are to be selected from the whole mass of litigation.

He proposes the amount in dispute as a criterion, which he thinks the best he can found, though doubtless he would admit it to be a very imperfect one. I propose the power of carrying up the cause in appeal when its difficulties have become apparent by actual investigation.

—*Hurkaru.*

AN INDIAN LAWYER.

## THE PROSPECTS OF INDIA.

What will be the financial condition of India at the expiration of the Company's Charter in 1854, if no material change occur in the mean time? This question is as important as it is difficult to solve; on such a variety of circumstances does it depend. The chief difficulty in the way appears to arise from our ignorance of the receipts and disbursements of the public revenues, the accounts of which instead of being published here soon after the date of their closing and whilst the circumstances connected with them are fresh in the recollection of the people who are most interested in them, are transmitted to England, and after sometime, published there for the use of the Parliament and among a people who for the most part take no more interest in what is passing here, than if they were transactions of men in the moon. The few who in consequence of their office are obliged to wade through these to them uninteresting documents, for want of information, generally take for granted the correctness of every item. Thus the publication of the Indian accounts in England, some years after the occurrence of the transactions to which they relate, is as complete a farce as ever one could desire to laugh at. Why not publish the yearly accounts here, immediately on their being closed, and lay them open for public inspection at some place where the people may have free access to them, forwarding copies to England for the purposes for which they are now transmitted. But this plan we fear will not suit the views of our Honorable rulers. Why and wherefore it is impossible to divine. These accounts are not a state secret nor altogether withheld from the public view; why then should the people of India, whom they concern directly, be prevented from inspecting them until they are sanctified by passing through the English press under the orders of Parliament, and by chance reach this country? There is, however, very little hope that any appeal from the people of this benighted land on such a subject will be favored with an attentive hearing by our local rulers. So that we must be left in the dark and allowed to grope, the best way we can, to the solution of the question with which we set out.

With such materials as we possess we have two ways of arriving at the solution of the question we have proposed, viz., a consideration of the political history of India and of its present condition, and an examination of the Indian accounts which have yet reached us via England. We shall consider each of these separately.

National wealth must chiefly depend on two causes—the natural capabilities of the soil, and the industry and ingenuity of the people. The former of these has never been denied to India, and though some may dispute the latter, yet a glance at our history will convince them that

India has enjoyed both the advantages. From the earliest period of our knowledge of India, we are told she has been a commercial country, and there was a time when she supplied almost the whole of the civilized world with her natural and artificial productions. Not to go further back, in the time of the Mahomedan rulers, we had commercial intercourse by the sea with the Portuguese, the Dutch, the English, the French, the Danes, &c., and by land with the Armenians, the Persians, the Tartars, the Cashmerians, the Afghans, &c. &c. All which must prove beyond question that the people of this country have been no less remarkable for their industry and ingenuity than the soil they inhabit has been for its natural productions. Indeed, at one time, such were the capabilities of India—such her wealth, luxury, and splendour, that she was styled the *Paradise of the world*. Why then, we ask, should the question we have proposed, be considered as difficult of solution? why should we hesitate a moment to reply to it by saying, that if India was such under a despotic and less enlightened rule than that of Britain, she should be in a far better condition when her situation as regards her rulers has been so much improved? Under such circumstances, strange as it may at first appear, we are forced to say, that India, ever since she came into the hands of the English, has been progressing in impoverishment. The cause is a simple one. The rulers of India who preceded the English, from whatever country they came or whatever religious or political creed they professed, made India their home—their permanent domicile. After the flame of war kindled by their invasion had been quenched, and the blood of the numbers who fell by their barbarous sword had dried, they themselves became a part of the people, and made no distinction between their countrymen and the aborigines, they forgot the country whence they had originally come, and made India the seat of their government. It is true they took much from the people whom they found here, both by plunder and taxes. But what they took they did not send away to a foreign land. They had no island situated at almost half the distance of the globe to make it the repository of their acquisitions in India. Every man who enjoyed the favor of the ruling Prince or held office under him, and thereby accumulated wealth, spent it here; and in purchasing the luxuries he enjoyed, gave it back to the people from whom it had been taken. Thus every fortune made in India was spent in India. The wealth of the country circulated within it, and was not abstracted from it. By her commercial intercourse, India received in exchange of her produce a considerable quantity of precious metals which by increasing the circulating medium added to the means of facilitating commerce; which being at the same time



supported by the natural capabilities of the soil and the industry of the people increased the wealth of India to an extent unparalleled in the annals of the world. In those times the riches of India were so great that the people apprehensive of exciting the cupidity of their despotic rulers, kept their wealth generally buried under ground regardless of the interest which now, a-days forms so important a consideration. This is a fact well known to all who have examined the history of this country. While the English rulers of India have until very lately systematically excluded their countrymen from settling in it with their wealth and talents, her former rulers made it their object to invite their countrymen to settle in her vast territories, and to increase her population and resources. Hence we find the people of this country consist, of so many classes and nations. This population, composed of the aborigines and the colonists, formed but one people whose interest was the same, and who were all looked upon by Government as equally entitled to its favours.

In this state India continued until the beginning of the 17th century when her misfortunes commenced to gather round her. Like the Roman Empire, India has to date her decline from the period when the luxury of her imperial court began to impair her powers. The first symptoms of her weakness were manifested in her submission to the *chouth* demanded by the Marattahs, and afterwards to the other contributions levied on her by depredatory chiefs who now overrun almost the whole country and reduced the Emperor to the necessity of committing the management of the country to a body of foreign merchants, and of accepting for himself a pension at their hands.

After the battle of Palasey in 1757, which gave to the English a firm footing in the country, they made it their object to amass as much wealth as they could, and to monopolize the whole of the trade by endeavouring to oust from it the other European nations who were trading with India. The wars and political manœuvres they engaged in, in order to gain this point, are too well known to need being mentioned here. From 1765, the era of the Company's assumption to the Dewany, to 1793 when the permanent settlement was made, the English took upon themselves the management of the Judicial and Territorial functions of the state, and most vigorously directed their attention to the increasing of the revenues of Government. For this purpose various plans were adopted by the public functionaries. The estates were put up for sale to the highest bidders; the interests of the ryots and the zemindars were totally disregarded, and their families generally ruined. The consequence of these proceedings was an immense increase in the revenues, which gave to the country an appearance of growing wealth, whilst in reality the seeds of its future ruin were being sown. The numerous transfers of landed property which took place in consequence of the sales of estates, brought many new families into little fortunes, and in the eyes of superficial

observers conformed the favourable appearances of the time. The real wealth of the country was however on the decline, and with the ruin of the great and wealthy zemindars and ryots, all that was substantial vanished from the land.

About this time the abuses in the service of the Company became notorious, which the Marquess of Cornwallis checked by increasing the salaries of the public functionaries. From this period the Government and their servants steadily pursued their grand object of increasing the public revenues and the commercial profits by protected trades, transfers of zemindaries to new hands on more advantageous terms, and a thousand other ways; until, in 1813, the country, overburthened as it was by taxes, &c., was thrown open to the English free-traders.

If all these people who made money by India were allowed to make India their home, there would be no cause of complaint, and the country would continue as rich as ever: but this was not the case. All were allowed to come to India, and after they had made their fortune were forced to retire to England, and there enjoy the acquisition they had carried along with them.

But the natural resources of India are so great, that no one cause could have reduced her to her present impoverished condition. A combination of causes acting against her was necessary to produce the effect we are deploring. Whilst Englishmen were systematically precluded from settling in India, and allowing her to share in the advantages derivable from the improvements which Europe had within the two last centuries made in the various arts and sciences, these very advantages were brought to bear against her in an unequal conflict between the manual labour and the rude implements of India, and the improved machinery of England—the steam, and all the advantages which science can bestow on man. Under these circumstances it is not to be wondered, that notwithstanding the natural resources of India and the industry of her people, she has been impoverished.

We shall now proceed to examine the provisions which have been made in the new charter to check these impending evils, and direct the current of these untoward circumstances to a less ruinous channel as regards the future prospects of India; which will answer the question we have proposed at the commencement of these remarks. It is not necessary that we should in detail examine the provisions of the charter. A general view of its prominent features will suffice to place the subject in a sufficiently clear point of view.

*First.*—The relinquishment by the Company of the China trade and other commercial speculations is indeed profitable to the people of England, who have thereby a fair chance of trading to China and India. But to India it is a loss not only because the territorial department can no longer be assisted by the profits of the commercial; but also on account of the

sixty-five lacks of annual dividend which the country has to pay in lieu of the commerce, &c. taken away from the Company. This arrangement, therefore, has advanced the interest of the people of England at the expense of the people of India.

*Secondly.*—The Legislative Council and the Law Commission might have been the same body, or one a sub-committee of the other, and thus a great deal of expense saved. This institution appears to us no more than a slight modification on the former system, the most important feature of which change is, that formerly every act of the Government, relating to Calcutta, had to be registered at the Supreme Court where the people had an opportunity of being heard, whereas now not even a preamble explains the reasons on which the edicts of our rulers issue from the closed Council Chambers; whilst the independence of the Supreme Court has been taken away by conferring on the Council the power to legislate for it.

*Thirdly.*—The Agra Presidency seems almost a nominal institution in regard to any additional facility in working the Government machine; although it is far from being so in regard to the additional expenses it has entailed on the country, but we are happy to learn by the late English news that the country is soon to be relived from this heavy and useless expense.

*Fourthly.*—The increase of Bishops and their powers, which is providing for the religion of a few out of money taken from the mass of the people who profess a different creed.

*Fifthly.*—Colonization—almost the only measure on which India might have placed her hope of retrieving what she has lost by the circumstances we have above detailed. But hitherto this has been allowed only in theory. Englishmen cannot reside, except in certain parts of India, without the license of Government; and we know it to be a fact that every opportunity is taken to throw obstacles in the way of Europeans settling in India. Witness for example the case of Calder versus Halket, lately decided in the Supreme Court. When the Charter was renewed we had expected, that at least colonization would be so effectually allowed and encouraged as in some degree to check the ruinous consequences of the existing state of things. From it we had expected a counterbalancing gain for the loss of the heavy dividend allowed to the East India Company. But that hope, it is now beyond all doubt, has been frustrated, and on the whole we are in a worse situation than before.

*Sixthly.*—The removal of the disabilities arising from colour and religion. This, in itself so salutary a measure, has been completely nullified by the reservation of patronage to England. This point has been fully explained, in another paper, in which we pointed out that in regard to Hindus especially, who could not go to England owing to the prejudices of caste, this provision, apparently so much to their advantage, had been rendered totally nugatory.

Thus we see, that whilst the causes we have above noticed as leading India to poverty continue in full operation, scarcely any thing has been done to check them, and what little has been done in theory, is in practice quite negatived. From which we of course come to the conclusion that India is progressing on towards ruin, and by the time the present charter expires she will have sunk to such a degree of exhaustion as to become almost a burthen to herself and her rulers.

Considering the length to which we have been led, we shall endeavour briefly to go over the parliamentary papers which also lead us to the conclusion to which we have arrived, from a consideration of the history of India. The dividend of 65 lakhs per annum allowed to the Company was also in lieu of their commercial property here. These we all know had been rated so high that their disposal could never realize the amount. But until now only a few instances have occurred to confirm this opinion. The Santipoor and Rungpoor concern, with their balances, valued at a very considerable amount, have been sold literally for nothing. When the estimates were submitted to the authorities in England, they took it for granted that the statements were all correct, and decided the matter accordingly, unwittingly sacrificing the people of India to the interests of the Company. But no more sales of the outstanding balances take place to afford us further proofs of the real state of things, apparently that the enormous loss so recently following the heavy estimates may not attract the attention of the people of England, and thus cause unpleasant enquiries to be made in the matter. But sooner or later these great deficiencies must be written off to profit and loss against this country, and at the end prove a burthen which she will not be able to bear.

By the parliamentary papers before us, the total income and expense of the state, in 1834, appears to have been as follows—

Indian charges.....	£ 1,68,63,949 0 0
London charges.....	£ 25,95,405 0 0
Proprietors' Dividend..	£ 6,30,000 0 0

Total expense.....	£ 2,00,89,354 0 0
or Sa. Rs.	20,08,93,540 0 0
Income, £1,79,36,217	
or S a Rs.	17,93,62,170 0 0

Deficiency.....	Sa. Rs. 2,15,31,370 0 0
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As no favorable change appears likely to occur on which a hope may be grounded that things will be so managed in future as to bring the expenditure on a par with the income, we may reasonably conclude that this deficiency will continue to the expiration of the charter in 1854. The accumulated amount of deficiency will therefore at that period be about 43,06,27,400, to which if we add the 42,00,00,000—the present amount of the Company's debt, we shall have a debt of about 85,06,27,400 rupees to pay. The increasing interest on this debt must also be reckoned as an increase to the expenses, which itself will amount to something considerable.

It cannot be expected that any increase which can be made in the revenue will be adequate to the liquidation or even extenuation of this enormous debt. In 1765 when the country came into the hands of the English the revenues of Bengal, for example were about 146 per cent. less than they are now. We may therefore safely conclude that the capabilities of the country have been strained to the last degree, and that very little if any thing more can be expected from it in the shape of Government revenue.

Thus we see that whilst the resources of the country have been increased, the drain upon it has been so great as not only to exhaust the whole of the increased revenue, but to run it into debt to a very large amount, which, under all the circumstances we have noticed must go on increasing, until the country will be brought into the most deplorable condition imaginable and be in fact a burthen of which England will no doubt be glad to get rid. Such is the sad prospect of India, and such is the only answer we can give to the question that has led us to the above observations.—*Reformer.*

The *Reformer* has a very long article on the Prospects of India, in some of the views expressed in which, we fully concur, although we think the investigation embraced by it, is not throughout conducted in a spirit of impartiality and justice.

With respect to the absurdity of the system which obtains respecting the publication of the accounts of the revenue, nothing can more forcibly illustrate the *advantages* which flow from our triple government. The accounts are made up here, sent home and laid before Parliament after the lapse of a year, and after the expiration of about 18 months from the time of their being despatched from hence, the public in India have an opportunity of being made acquainted with them!! What object is attained by this system, what benefit to the governing or the governed, it would puzzle any man to discover—the only *argument* which can be urged in its favour is, that which is constantly pleaded here by native ignorance in defence of native superstition and folly—it has been the *dustoor*—the custom. It is in short, part and parcel of the general system of mystification which finds such favour in Leadenhall Street and which, sooth to say, has served in its day the purpose of screening from the profane gaze of the public; many a profitable job. Had the very opposite of this system prevailed—had the measures of our Indian administration at home and abroad as well as all their financial accounts been made public, we have a strong suspicion that poor territory, which has been made to bear the burthen of so much extravagance, including expenses of its own conquest, would have received more justice, and the proprietors of India Stock have had to look elsewhere for their dividends. We of course agree then that in these days, when in other respect the value of publicity

is recognized, we should have the accounts first published here. Why not send them home printed!!

In his retrospective view of Indian history, we are surprised to find our intelligent contemporary falling into the error of treating of India as having been at one time a rich country. Rich in the capabilities of her soil she no doubt has been and is—but *quoad* the ingenuity and industry of her people, we suspect she never was—and certainly since the British connection with India commenced, she must suffer in those respects by a comparison with any civilized country on the face of the earth; and as for the inflated eulogies of remote periods when the sources and true symbols of wealth were little understood, they are unworthy of any attention. India is and has been a poor country, and her institutions, that of caste more particularly, have been fatal to the development of the resources which no doubt she possesses, and to the moral and political elevation of the people. If we are to judge the prosperity of a country by her financial accounts and the relative amounts of revenue and expenditure only, no doubt we must admit that India has declined in prosperity under British rule; but who does not perceive how fallacious such a mode of estimating the condition of a country must be? The case admits of easy illustration. The most cruel despot might go on increasing the revenue yearly and diminishing the expenditure on every useful object till the surplus in the treasury was immense. We know that such has been the practice of some despots. It was said for example, that the treasure amassed at Tehran by the late king of Persia was enormous: now if His Majesty's accounts had been published, and compared with those of India, according to the *Reformer's* principle, we must have drawn a comparison in favour of Persia; yet who will venture to contend that Persia has been better governed than British India? We admit that there has been much in our system to condemn, that under our Government the aborigines were until recently, and *still are in effect*, though not by positive law, excluded from all offices of honour and profit instead of being encouraged as they were by our semi-barbarian predecessors in the conquest of this country: and that the drain on India by the retirement of European functionaries to Great Britain with large fortunes has been great—we admit that India has experienced, still does experience, great fiscal injustice from Great Britain, and that our anti-colonization system of policy, which Napoleon has absurdly termed a self-denying ordinance, has been detrimental to the interests of both countries; but still from the time of the great and good Cornwallis at least, down to that of our present ruler, the principle that we govern for the people has been recognized: and if they have not reaped all the fruits of the recognition which it is calculated to produce, the misfortune is owing, in some degree, to the difficulty which Europeans experience in fully understanding their wants and appreciating their feelings, and in some degree also to that superstition which is a wall o

separation between the conquered and the conquerors, and a barrier to improvement which time and the spread of knowledge only can overcome.

How can the *Reformer*, treating of Indian history subsequent to 1793, say, if he refers to Bengal, to which as usual with writers here, his remarks seem to be limited, that the interests of the *zemindars* were overlooked? It is not our purpose now to enter for the hundredth time on the *vexata questio* of the merits of the permanent settlement; but we are at a loss to conceive, how, after that measure, it could be alleged that the interests of the *zemindars* were totally disregarded. It has been urged against that measure and its great and good author, that he entirely neglected the interests—not of the *zemindars* but of the *ryots*—and at the same time those of the Government: now our belief is that he did none of these; but rather tried to do what we take to be an impossibility in his anxiety to protect the interests of *zemindars* and *ryots*—to fix the revenue of the landholders in perpetuity and then to regulate by law their arrangements with their cultivators—a system which reasoning *a priori* we should have held to be absurd; and which experience has proved to be impracticable. As to the Government, we believe that at the time of permanent settlement, a maximum of revenue was taken which led of course to a vast immediate increase, and which seemed to anticipate improvement for many years to come. The estates sold were those of defaulters; and though crack Collectors may have caused some severity in this respect, the principle on which those sales were effected is recognized, we believe, by all civilized governments.

Admitting all the faults of our system as it has been and even as it is, however, will it not bear, we ask, favorable comparison with any that preceded it in the East as to the two great tests of good government—the degree of protection to life and property enjoyed by the people?—that is the question, and to that question from impartial people there can be, we apprehend, only an affirmative answer. On this comparative estimate of Native and British governments we will only remark that we must protest against the narrow and fallacious principle of testing the merits of any government by a mere calculation of profit and loss. This was Cobbett's error. He, as we have often remarked, thought a reduction in the tax on malt or a saving in some item of expenditure of more importance than a measure which had for its object the instruction of the people or the securing to them the most important political advantages.

On the deficiencies of the New Charter we have so often expatiated, that we should scarcely be excused for again dwelling on that subject, when it is considered that there is no power here to remedy the evils of which we complain. We agree generally with the *Reformer* in all but this gloomy view of our prospects, summed up in the following passages:—

“Considering the length to which we have been led, we shall endeavour briefly to go over the parliamentary papers which also lead us to the conclusion to which we have arrived, from a consideration of the history of India. The dividend of 65 lakhs per annum allowed to the Company was also in lieu of their commercial property here. These we all know had been rated so high that their disposal could never realize the amount. But until now only a few instances have occurred to confirm this opinion. The Santipoor and Rungpoor concern, with their balances, valued at a very considerable amount, have been sold literally for nothing. When the estimates were submitted to the authorities in England, they took it for granted that the statements were all correct, and decided the matter accordingly, unwittingly sacrificing the people of India to the interests of the Company. But no more sales of the outstanding balances take place to afford us further proofs of the real state of things, apparently that the enormous loss so recently following the heavy estimates may not attract the attention of the people of England, and thus cause unpleasant enquiries to be made in the matter. But sooner or later these great deficiencies must be written off to profit and loss against this country, and at the end prove a burthen which she will not be able to bear.

“By the parliamentary papers before us, the total income and expense of the state, in 1834, appears to have been as follows—

Indian charges,....	£	1,68,63,949	0	0
London charges,....	£	25,95,405	0	0
Proprietors' Dividend	£	6,30,000	0	0

Total expense.....	£	2,00,89,354	0	0
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or Sa. Rs.	20,08,93,540	0	0
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Income, £	1,79,36,217
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or Sa. Rs.	17,93,62,170	0	0
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Deficiency.....	Sa. Rs.	2,15,31,370	0	0
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As no favorable change appears likely to occur on which a hope may be grounded that things will be so managed in future as to bring the expenditure on a par with the income, we may reasonably conclude that this deficiency will continue to the expiration of the charter in 1834. The accumulated amount of deficiency will therefore at that period be about 43,06,27,400, to which if we add the 42,00,00,000—the present amount of the Company's debt, we shall have a debt of about 85,06,27,400 rupees to pay. The increasing interest on this debt must also be reckoned as an increase to the expenses, which itself will amount to something considerable.

“It cannot be expected that any increase which can be made in the revenue will be adequate to the liquidation or even extenuation of this enormous debt. In 1765, when the country came into the hands of the English, the revenues of Bengal for example were about 146 per cent. less than they are now. We may therefore safely conclude that the capabilities of the country have been strained to the last degree, and that very little, if any

thing more, can be expected from it in the shape of Government revenue.

"Thus we see that whilst the resources of the country have been increased, the drain upon it has been so great as not only to exhaust the whole of the increased revenue, but to run it into debt to a very large amount, which, under all the circumstances we have noticed must go on increasing, until the country will be brought into the most deplorable condition imaginable and be in fact a burthen of which England will no doubt be glad to get rid. Such is the sad prospect for India, and such the only answer we can give to the question that has led us to the above observation."

We never had a doubt that the commercial assets of the Company were extravagantly overrated, any more than we had that commerce was indebted to territory not territory to commerce; and this point was strongly pressed by those who endeavoured to see justice done to India at home. The London charges amounting to two and a half millions sterling sufficiently exhibit the evil of renewing the Charter in a merely financial point of view—the absurdity of such a system as that of governing a great country by the intervention of a Company composed chiefly of City Merchants, under the controul of a Board composed of a President, Vice-President and Members, subject to the Executive and Parliament, and all these powers controuling in the most minute points a government distant 15,000 miles from them, is so absurd, that if we did not know by sad experience that the springs of human action are too often influenced by considerations with which reason has little concern, we should wonder that it could have been proposed to an enlightened Legislature to continue such a system. We see no reason, however, to believe, that we have reached a maximum in the development of the resources of this country, and that we must go on progressively to ruin. What does the *Reformer* think of an island like Great Britain yielding a revenue of upwards of fifty millions, while this country, which he holds to be so rich in resources, according to his statement yields only 17 millions. To what does he ascribe the difference? We know not; but we ascribe it in no small degree to the superior intelligence and enterprising spirit of the people of Great Britain; and when we reflect on the probable effects of the diffusion of knowledge in this country now prosecuted with so much zeal and judgment, we cannot think that we are very rash in predicting that twenty years hence India will exhibit a very different and a much more favorable aspect than she now does, even in defiance of a Charter which is a disgrace to the age and to Great Britain.—*Hurkaru*.

Our article on the prospects of India has been noticed at some length in the *Bengal Hurkaru*. In regard to the withholding of the Indian accounts from the Indian public until they are printed in England for the use of Parliament, and the deficiencies of the charter our contemporary agrees with

us. He is, however, of opinion that we have not, in every respect dealt fairly with our British rulers, that we have been partial to our country (a fault of which we are sorry many of our countrymen cannot be accused) and that the future prospects of India are not so gloomy as we have made it appear.

Our contemporary is surprized that we should consider India as having been at one time a rich country. He admits that she has been rich in the capabilities of the soil; but denies that she ever was so in regard to the ingenuity and industry of her people. We all endeavour to prove that before the English took possession of India she was a country rich in the means of increasing her wealth, and that her people were really wealthy. Our contemporary has a great contempt "for the inflated eulogies of remote periods when the sources and the symbols of wealth were little understood." It is not necessary that we should consult writers of antiquity in order to be instructed in the principles of political economy. This science of modern origin is best learnt from modern writers. But this surely is not to preclude us from collecting facts and historical accounts from ancient records. We shall not indeed go so far back as the period of the Hindoo dynasty, the accounts of which are involved in so much obscurity and mixed up with fabulous stories of gods and goddesses. We shall take our data from the time of the Mahomedan dynasty of which there are authentic records. If those who wrote near the period at which facts that form the groundwork of our remarks occurred, are not to be relied on, surely more modern accounts of those facts must be less entitled to credit. In treating this subject we must therefore observe a distinction, which we apprehend our contemporary has overlooked. We must take the most ancient and authentic records for our guide as to matters of fact; and adopt the philosophy of the modern political school in drawing conclusions from those facts. Now if we refer to Robertson, and other historians, and to the accounts of the French and Portuguese travellers who have spoken of India as she was before the English became her masters, we cannot but come to the conclusion that she was really a wealthy country. The grandeur of her ancient cities so much spoken of by these writers, is placed beyond doubt by the inspection of the ruins of those cities, which the hand of time has not yet been able to destroy, and which from their solidity and the manner of execution shew the degree of labour and art that had been employed in their production. The monuments of our ancient learning yet extant point to the degree of civilization and enlightenment which India previous to the coming of the English enjoyed. A concurrence of these facts (we can quote instances if required) proves beyond doubt that the people of this country could boast of as much ingenuity and industry as the soil they inhabit has always boasted of its fertility. At the time of Akbar Shah we read of there having been schools in almost every village of the empire: the following are mentioned as the

branches of learning cultivated among the people at that time—morality, arithmetic, accounts, agriculture, geometry, longimetry, astronomy, geomancy, oeconomies, the art of government, physic, logic, natural philosophy, abstract mathematics, divinity, and history. The resources she commanded in consequence of the capabilities of her soil and the ingenuity and industry of her people, made her in a great measure independent of foreign countries. She had within herself almost all she wanted, and the people who traded with her gave her chiefly the precious metals in exchange of her productions both of nature and art. Indeed such was the demand all over Europe for the productions of India, and such the drain she made on the precious metals of the west, that serious inconvenience would have resulted to Europe if America had not just at that crisis been discovered, and the rich mines of Mexico and Peru poured forth on Europe their abundant contents. These facts shew beyond doubt, that at that time India was dependent on no foreign nation, and that the whole of Europe depended on her for many an article of luxury. Robertson states that rice, cotton, silk, piece goods, larks, sugar, saltpetre, long pepper, precious stones, pearls, &c., were exported in abundance to all the western countries.

We are willing to abide by the ordeal of a "comparison with the civilized countries on the face of the earth," by which the *Hurkaru* is disposed to try the capabilities of India. We have already seen what India was in comparison to the other civilized countries before the English got possession of her. We have now to see what she has been in comparison to these countries since that eventful period. Need we repeat, and in our contemporary's own words say, "she has been a poor country!" In the intelligence and industry of her people—in their wealth and resources India was before that period superior to most of the nations of Europe and inferior to none. She is now inferior to them all! Those countries have since the coming of the English regularly progressed in all the improvements of which an intelligent agent like man is capable: India has been stationary. Nay, we fear she has retrograded in her indigenous arts and sciences. The race of improvement in which the different branches of the family of man seem to be engaged is continued, and those that are held back must of course lose ground, and after a while be found far behind their former companions. This has been the case with unfortunate India since the coming of the English. Why has there been "much in our system to condemn?" Why have "the aborigines been excluded from all offices of honor and profit?" Why has "the retirement of public functionaries to Great Britain with large fortunes" been permitted? Why has "India experienced, and still does experience, great fiscal injustice from Great Britain?"

These are facts admitted by the *Hurkaru*, and to these we must chiefly look for the impoverishment of India. Why has not colonization been encouraged—at least permitted?

Why have not the improved machineries of England found their way hither instead of the raw produce of this country going to England to be made up into stuffs for the wear of the people of this country. Such was the jealousy with which all the means of improvement were held back from India that we are told the machinery of the Fort Gloster Mill was absolutely smuggled out of England—else it would never have been allowed to come to India. In short, view the subject as we may, there is no doubt that the English have until very lately, studiously checked the improvement of India by their gigantic power. Witness the check placed by an enormous duty upon the sale of our Sugar in England, in order to protect the interests of their West India Sugar. Now, if writhing under such treatment we venture to complain, we are coolly told that we are too partial to our country—that we have not fairly dealt with our English rulers—and that our country has always been a poor, miserable thing!

As a matter of disgrace to the people of this country the small island of Britain is held up for its large revenue of fifty millions against the small revenue which is derived from the vast territories of British India. The reason is obvious. Before the connexion of England with this country, the former did not yield near so large a revenue. Since that period all the wealth of India having been carried away to England, and India made as it were a mere means of increasing the resources of the ruling country, she has naturally declined in wealth. Had England never possessed India, the disparity in their revenues would never have been so great.

Admitting fully all the good that Lord Cornwallis did to India, as well as all the benefits, resulting from the security of life and property, after the country had been completely exhausted of property, we ask again why have the evils of commission and omission above enumerated been permitted by the English rulers of India? Why did they not make of fertile and civilized India what their independent countrymen in the West have done with the barren wastes of savage America? How far in advance of that country we were when the English came here, and how far behind it we now are? Is this the result of the subjection of India to Great Britain and of the rebellion of their American colony? We wish we could say nay to the question; but stubborn truth forces from us an answer in the affirmative. If the *Hurkaru* supposes that we intend "to test the merits of any government by a mere calculation of profit and loss," he does us an injustice. We take our stand on the broad principle of the general improvement of a nation, and on this we declare that India has not been fairly treated by her rulers—that she has not only not been encouraged to go forward: but absolutely held back, and prevented from making the advances she would have done if left alone to a free commercial intercourse with the countries of Europe. This is the *summum bonum* of the charge we have to bring against

our British rulers, and so far as we are able to see, we perceive nothing in what our contemporary has advanced that could lead us to come to a different conclusion. So far for the retrospect and the present condition of India!

In regard to her prospects, our contemporary does not entertain such gloomy views as we have developed. His hope rests chiefly on the diffusion of knowledge which is now prosecuted in this country with so much zeal and judgment. We have much reliance on the beneficial effects likely to result from these well directed endeavours. Their chief effect will of course be to open the eyes of the people to the numerous defects of the system by which they are governed; which it is to be hoped will lead them to proper representations and ultimately to the effectual removal of the evils. But supposing that the state of things established by the present charter, (on which

supposition alone we have been discussing this subject) were to continue to its expiration, the result will certainly be what we have prognosticated. Education and enlightenment will no doubt open the eyes of the people to many an evil of which they are at present ignorant. But the perception of an evil, though it be the first step towards its remedy, is not certainly the consummation of the cure. That object is to be looked for only in the actual removal of the causes which continue to impoverish India. This presupposes a change, which in discussing this subject we have not anticipated, and therefore our position in regard to the prospects of India remains untouched by the arguments of our contemporary. If a new order of things were to be introduced, we would of course speak differently of the prospects of India: but as things stand and are likely to continue, we are sorry, we cannot hold forth any golden hopes for the future.—*Reformer*.

## \* LAW OF PRIMOGENITURE.\*

No law of primogeniture seems to have been known to the ancients with the exception of the Jews, where the eldest son had a double share of the inheritance. This law, as is well known, originated among the moderns in the feudal times when every landlord was a kind of petty prince whose security depended in a great measure on the extent of his possessions and powers. The advantages of such a law in the inheritance of monarchies are indeed obvious, but it is far different in the inheritance of private property. As soon as laws are powerful enough to make the proprietor of an acre of land as secure of his right to it as the most wealthy landlord of his right to his extensive estates, then of course the argument founded on security no more obtains. Some kind of law of primogeniture has however continued to exist in almost every part of Europe, probably through custom rather than through any well ascertained benefit derived from it at the present day. Specious arguments have indeed been brought forward in support of such a law even in the present state of society, and some advocates of primogeniture have actually gone so far as to threaten with complete ruin in the course of a few generations any state in which a division of their father's landed property in equal shares among brothers and sisters should continue to prevail; forgetting that this obvious, and one might almost say *natural*, law did prevail for centuries among the most flourishing nations of the middle ages and of ancient times!

The aim and effect of a law of primogeniture is asserted to be—1st. To keep up an aristocracy necessary as an intermediate power

between the Government and the people. 2dly. To prevent landed estates from being subdivided into minute portions to the prejudice of agriculture. 3dly. To compel younger brothers to be serviceable to themselves and the public by engaging in mercantile, civil, military or ecclesiastical employment instead of taking up with the business and idleness of a country life, which it is supposed an equal division among them of the paternal estate would cause them to do.

1st. "To keep up an aristocracy necessary as an intermediate power between the Government and the people."

This pretended necessity of an intermediate power is indeed extremely doubtful in a well organized Government. Men are formed into societies for their security and happiness, and if the rulers appointed or *tolerated* by them always act, as in duty bound, in conformity to the wishes of the majority of their subjects or fellow citizens, there seems to be no reason to fear lest they should ever fail to receive from this majority a sufficient support to their legitimate authority. The error of this argument comes from considering the king and the people as two parties whose interests, always in opposition, are apt to make them quarrel with each other, and render it necessary to establish a kind of arbitrator to keep the peace between them.\*

But should it be said that the view here taken of the true principle of Government is still a mere theory which a few nations have scarcely begun putting into practice, it would not follow from this that there is any necessity for

\* I have not said a word here about entails, as they have now scarcely an advocate. Their evil consequences seem to be so generally acknowledged that some of the warmest supporters of a law of primogeniture disclaim any intention of engraving upon it a law of entails, though the latter is but the natural consequence (Adam Smith) of the former.

\* If the only legitimate end of Government be the greatest happiness of the greatest number, it seems very extraordinary, in order to obtain that end, to lay down as a fundamental principle that in a well regulated state of society, men should be divided into two classes, one born to riches and enjoyment; the other, and by far the most numerous, to poverty and labour!



a law of primogeniture to keep up that intermediate power considered as so essential to the welfare of society. The Greeks and Romans, the republics of the middle ages in Italy, Switzerland, Germany, allowed of the partition of estates and still there was no want among them of a rich aristocracy and a large number of *Proletarii*. Inequality of fortunes will exist in any society without artificial means for promoting it; it is but the natural result of the difference in circumstances, activity, economy and talent of individual members of the community. The law of primogeniture confines wealth to the hands of a few privileged families, while under the system of equal division, riches are allowed to circulate freely through the body politic, and being accessible to all, act as a stimulus to all.

2dly. "To prevent landed estates from being divided into minute portions to the prejudice of agriculture."

Very erroneous notions seem to prevail on this subject. A writer of some celebrity in this country, the correspondent of the *India Gazette*, A FRIEND TO INDIA, said once of Jersey and Guernsey, where each family is represented as living contented and happy on its fifty or sixty acres each: "the next generation will see them working hard to cultivate each family its ten or fifteen acres with little or no education. In the third we shall find them living in hovels each with its three or four acres." How can such an absurdity have escaped a philosophical writer!! When did population ever increase three or four-fold in one generation, and that too while the means of subsistence or the general wealth of society remained (as implied here) stationary or did actually decrease? And what would be the effect of a law of primogeniture which should be now enacted in those islands? Why, if they have, as is supposed, no other resources but agriculture, the whole population, however numerous, must of course derive from it its means of subsistence. Should population treble in the course of one generation, the next generation would undoubtedly have to live on the produce of fifteen or twenty acres for each family. In the case of equal division each family would then live with some difficulty on the whole produce of that extent of land, while under the law of primogeniture some families would be in real comfort, and, the greatest part of the population would starve or drag on their miserable existence in the most abject state of poverty. Which is the greatest of the two evils? \*

This bugbear of the advocates of a law of primogeniture, the *splitting of estates*, exists more in their fancy than in reality. When the population is stationary in point of

numbers, the system of equal division has no tendency to change the relative wealth of families. Each married pair is replaced by another standing on an average in the same circumstances. It happens of course frequently that the brother and sister, or the two brothers or two sisters, who are the average result of each marriage, do share among themselves the estate they inherited from their parents, but when they marry their sons or daughters bring them some kind or other of property equal in value to what each child had been obliged to give up to the other. The two new couples have each the same amount of property which their parents had, and if, instead of a whole estate, each has one half of two different estates, they will probably soon find the means of re-uniting those two halves into one whole. Should population increase faster than wealth the case would be somewhat different. There would then be a real tendency of estates to decrease in extent, but this would be still in a very different ratio from what is supposed by those who advocate a law of primogeniture. Suppose for instance population should increase one-third, in one generation, while the general wealth would increase only one-fourth, then the wealth of each family or the extent of each estate in the average would decrease one-twelfth, or the difference between the total increase of population and that of general wealth. Should this continue to go on for some of the following generations, it could be merely in a decreasing geometrical progression, until the means of supporting too numerous a population being absolutely wanting, misery and starvation would bring back every thing to its natural level. But let me observe here that the dreadful evil of over population could scarcely ever happen under a law of equal division whereas the law of primogeniture actually tends to it.

It is now, I believe, admitted, by every Political Economist, that population has a natural tendency to increase faster than capital, from which it results that should no restraint of any kind check that tendency many unhappy beings would be born only to starve. Men who have no property and whose sole means of existence are their labour, are those whose natural propensities it is more necessary and at the same time more difficult to restrain: accustomed as they are to live on the wages of their labour, they cannot easily conceive why their children, in whatever number they may be, should not find a livelihood by the same means; but in this way the number of labourers increase in a quicker ratio than the demand for labour, wages decrease, the working population suffers, misery becomes greater and greater, until emigration, want, disease, starvation, at the expense of incalculable individual misery, bring back the state of equilibrium which it would have been so lightly desirable never to have lost. This fact of men without property being generally more prolific than men of some fortune, had been observed by the ancients, and on that account people of that description were called by the

\* The FRIEND TO INDIA is extremely inveterate against the law of equal division among children of their father's property, which he calls an *infernal* custom, and to elude which he reasons for India the *old* time when out of three or four brothers two or three got knocked on the head, and by that means the whole estate descended undivided to the survivor! This *infernal* custom, however, prevailed without any apparent inconvenience, for ages in many countries, and it has been in our days adopted by the only two modern nations whose civil laws have resulted from a philosophical investigation unshackled by prejudices and aided by the power of modern analysis.



Romans, proletarii (from proles). A man naturally wishes his children to live in the same rank as himself, and if he has some property, the whole of which he knows will be divided in equal shares among them, he will in general take care that their number should not render each share too small. This is no idle theory but a well known, and I believe, *acknowledged* fact.

But is a division of lands in estates of small extent so detrimental to agriculture as it is pretended? In the neighbourhood of flourishing cities the land is generally divided into small portions, and still it is, without surely any exception, the best cultivated and the most productive. "To cultivate land with profit," says Adam Smith, "like all other commercial projects, requires an exact attention to small savings and small gains of which a man born to a great fortune though naturally frugal, is very seldom capable." Suppose an estate of one thousand acres which requires ten families (including the proprietor's) of labourers to cultivate it. The proprietor lives probably in great comfort with little to do, while the labourers, on the contrary, work hard and live on a small pittance. Now, should that estate by process of time have been divided into ten shares, one for each family now upon it, why should it necessarily follow that it would lose any part of its value? Some part of the produce of the land which formerly went to keep up the comparatively grand style of the single proprietor, would probably go now to improve the comforts of the former way of living of the nine labourers, but why should the total produce of the whole be diminished? Every man would work more cheerfully, be more attentive to small savings than they were under the former system when they were not labouring for themselves. What each could not do with his unaided capital might be done by combination among them; this merely supposes they should have common sense enough to understand their own interests. Would not the additional happiness of the nine families of labourers be greater than what might have been taken in this way from the former proprietor's representatives; and the total produce of the estate having remained the same, would not the *greatest happiness of the greatest number* be promoted by the change? 🌿

Perhaps it will be said that a want of union among small proprietors frequently prevents them from combining their resources so as to have *all the same* means of success which are usually in the power of the proprietor of a large estate. This is true probably in some cases, but it requires only to *show clearly* to the small proprietors the advantages of combination to make them hold together. Though ignorance frequently may cause man to act contrary to his interest, he will retrace his steps as soon as he is made to understand that he has taken a wrong path.

The chief, if not the only, advantage of moderately large estates over small ones is that the proprietors of the former are generally

more enlightened than those of the latter, but this is *accidentally not essentially* so. Besides, to have a good practical knowledge of agriculture it is not absolutely necessary to be a man of very extensive information. It is sufficient that one man in twenty or perhaps in a hundred should take the lead in new and important improvements, his success will soon encourage others to imitate him. The establishment in France of a few *fermes modeles* is said to have led to great improvements in the agriculture of that country. And will not the natural course of events, without any express law for that purpose, always bring together large extents of lands which will not act as *fermes modeles*, when encouraged by liberty, peace, instruction?

After all it greatly depends upon the civil institutions of a country whether small proprietors shall not be as enlightened as the great landlords with respect to what chiefly concerns them. It is the duty of every Government to look that no man should be without that elementary knowledge which may enable him to pursue his studies by himself as he may have leisure and intelligence for this, and as he may find it necessary. This elementary knowledge includes little more than reading, writing, arithmetic and a little geometry. With that a man will generally be able to read and understand all those useful little tracts which can be so easily and so advantageously distributed among the people at large. If knowledge is power, it should not be monopolized by a few.

In support of the *insolent* law of primogeniture (as Gibbon calls it) some *particular* cases are at times brought forward, and *general* conclusions drawn from them. The Editor of the *Reformer*, in an impartial and able investigation of this subject, relates a story of a man who left to his children a valuable estate, the value of which however depended upon keeping in proper repair a bund and a bridge for the direction of water. The new proprietors did not agree among themselves for the repairing of the bund and bridge, and the result was the water broke in and reduced the whole estate to an unprofitable bog. Now this single fact of course proves nothing; it is a mere accident owing to the foolishness and ignorance of the new proprietors, and by no means a *necessary* or even a *probable* consequence of their number. It might have happened if the estate had descended to a single ignorant and negligent heir. Such an argument might as well be used against a republic in favour of despotism, and no single isolated facts would be wanting to support it. Besides the reverse of the story here told might have just as naturally happened. For instance: A man had inherited from his ancestors a large estate, from which he derived, however, comparatively, but a small income, part of his lands being too marshy for cultivation. His small income with his economical habits afforded him the means to bring up in some comfort his three sons. By the death of the old man his sons having come to the possession of the estate soon found out

they could not live comfortably with their families upon the small income it yielded. Stimulated by necessity, they imagined to improve their estate by drying up the unhealthy and unprofitable marsh. They united their efforts, laboured hard together, and ultimately succeeded by the building of a bund and bridge in trebling their incomes. Now which of the two stories is the most likely to happen again, it would be, I suppose, difficult to decide.

But according to some of the *Reformer's* arguments, a law of primogeniture would seem to be required for India not only with respect to landed property but also with respect to capital in general. Now this at least is consistent; if a law of primogeniture be good in one case it must be so in the other. But this novel way of considering it may be thought, even by the advocates of law here alluded to, as it is generally understood, to bring the question *ad absurdum*; and as capital without any legal compulsion accumulated well enough in England in the hands of comparatively a small number of individuals, we may hope it will do the same in India (if it be not so already) when no other obstacles will prevent this accumulation but the law of equal division among those to whom it descends by inheritance.

Admitting for the sake of argument whatever has been said against small estates by the advocates of primogeniture, I would beg to ask them in return, are not *overgrown* estates a greater curse to agriculture than small ones? Who has not seen large and rich estates the very extent of which prevented their being brought into full produce? Neglected they were because their proprietors rolling in wealth had no motives for wishing to increase it at the expense of personal trouble. If the purpose of a law of primogeniture be merely to prevent estates being divided into portions too minute, it is the most awkward and mischievous means to an end, which could well be imagined. It applies to the most extensive estates as to the smallest; nay, by its operation, it has a direct tendency to produce overgrown estates. This is falling from Charybdis into Scylla. Would it not answer this purpose much better (if it be absolutely necessary to have an express law on the subject) to fix a certain extent for landed estates below which they should not be allowed to be divided? For such a case the heirs at law, if they were several, would be compelled to sell the paternal estate to a stranger, supposing none of them was rich enough to purchase it, but this would at least give to each of them a capital which might open for each the way to some other means of livelihood, instead of enriching one and beggaring the others.

A law of primogeniture by separating personal from real property deprives the latter of a capital perhaps necessary to keep up its present value, or which at all events might have probably increased it. It encourages family pride and by creating a strong prejudice in favour of landed property, it prevents frequently property of that description from falling into the hands of those who would make the best

of it. In as far as it operates in this way, it is of course most detrimental to agriculture. Many landlords will not sell their estates though they perhaps scarcely ever see them and could get for them a price which would greatly increase their incomes, while the would-be purchasers hope that (and probably would succeed) by their exertions they might get from the same estate double or treble the present net produce. This increase is entirely lost to society—thanks to a prejudice mostly owing to the law of primogeniture!

But under such a system, the agriculture of England has become superior to that of perhaps any other country in the world. . . . . So it has under the system of tithes been universally acknowledged to be a powerful obstacle to all improvements in the cultivation of the land; so it has under enormous taxes. Other causes must have counteracted those evils which it would be the height of absurdity to consider as having had any beneficial effect on the prosperity of England. It would be difficult to enumerate all those causes, but the freedom of the subject, the laws so favourable to the yeomanry, long leases, abundance of capital, the result of the most flourishing commerce in the world, may be mentioned among the most important ones. What was the state of agriculture in France, Spain, &c. under a system of laws of primogeniture, where the same counteracting influence did not exist?

3dly. "Compelling younger brothers to be serviceable to themselves and the public by engaging in mercantile, civil, military or ecclesiastical employments, instead of taking up with the business and idleness of a country life which it is supposed an equal division of the paternal estate would cause them to do."

This argument supposes that to make men active and laborious it is necessary to reduce them to beggary; that with a system of equal division many younger brothers would have a small landed estate which could just afford them the means of subsistence; that in general men who could live in the country on an income however small, would be content to enjoy it without any attempt to better their fortune. . . . But is it right to draw such inferences with respect to younger brothers from what eldest sons are wont to do under the influence of a law of primogeniture the natural effect of which is to create prejudices which actually condemn the first born himself to the idleness of a country life?

In many cases a law of primogeniture prevents younger sons from doing any thing for themselves for want of capital. It provokes the creation of sinecures to provide for the younger branches of aristocratical families at the expense of the labouring classes; but civil, military, ecclesiastical situations or sinecures, however numerous, cannot be had for all the younger brothers, and many are compelled to live in a miserable state of poverty and dependence, whom a small capital would have enabled to render themselves useful and serviceable to society.

Should younger brothers under a system of equal division prefer in general the idleness or business of a country life, with a *mere* subsistence, to other pursuits which would offer them better prospects, trust to it, there is *something rotten* in such a society: it is not the effect of the inheritance in equal shares by which the evil might rather be counteracted; but ignorance and tyranny which are probably the chief causes of such a diseased state!

And what is there in India that should make it so particularly desirable to have a law of primogeniture? It is alleged that two or three brothers who inherit a small landed estate of 30 or 40 begahs, or even less, either keep it undivided and live upon it together, or divide it among themselves, and each cultivates his share, content to live on the most wretched pittance. But what would be the difference if the estate descended to the eldest brother? Why, the others would either assist him as servants or serve other cultivators. What would there be in this more advantageous and beneficial to agriculture? The law of *caste* combined with the absence of manufacturers necessarily leaves no other resources but agricultural employments to an immense proportion of the Hindoos.

No. It is no law of primogeniture that is required in India. It is instruction and protection from individual tyranny she mostly needs. Let her have a good system of civil, criminal, *well administered* laws, let her taxes be judiciously levied and moderate, let England deal with her commercial regulations as with an independent and friendly state, and India will prosper! India is at present an agricultural country, and she will remain so until the people require something more than a miserable rag to cover their nakedness and a wretched hovel for a house to shelter them. So much success is said to have attended in France the establishment of *fermes modeles*, that it would be worth perhaps trying the experiment in this country. One in each district would scarcely be any expense to Government, and might have the most beneficial effects on agriculture. As to the extent of waste land fit for cultivation, the circumstances of India bear some analogy to those of the United States. Let Government encourage here by the education of the people, by just laws, by a paternal administration the spirit of independence and enterprise so conspicuous in that country, and India will become, what Providence intended her to be, one of the richest countries in the world! *Hurkaru.*

TALIB.

## REMARKS ON EMIGRANTS AND EMIGRATION TO NEW HOLLAND BUT MORE PARTICULARLY TO NEW SOUTH WALES.

There are but few individuals now resident in India whose prolonged absence from their native country is a circumstance that in any way prevents their indulging in the idea, that when their diligence may have accumulated sufficient wealth, of their departing from this country and enjoying *otium cum dignitate* in a more congenial climate.

The individual at home, possessed of a small capital, is perhaps fully aware, that in any other country, his wealth may be disbursed in a more profitable manner than his most sanguine wishes can possibly anticipate in his own; yet, emotions far different to those emanating from pecuniary considerations rise in his bosom, and prevent his carrying the otherwise pleasing arrangements into effect. He may be a man of family, and the transplanting of those nearest and dearest to him is to his unexperienced view a perilous hazard, in which he is loathe to participate. The separating for ever from the place of his nativity, the rending asunder those ties of love and friendship deeply seated in the heart, the long and dangerous voyage to be undertaken ere he can arrive at the land of his adoption, are feelings of such serious import as frequently conspire to prevent an individual embarking upon the intended undertaking.

With residents in India, however, the case is far different; they have already undergone the painful emotions ever attendant on the feeling bosom when separated from home, country, and kindred. 'Tis true their hearts may yearn again to view the scenes of their early days, yet a continued separation from them, has gradually softened the excited feeling and the exile can calmly look before him to the long period ere his engagements will permit him to leave India.

Allowing these considerations to have their due weight, it is obvious that the mind of the resident in India is more fully prepared for the purposes of emigration; a few hints therefore, to those who entertain ideas upon the subject, may not prove uninteresting.

The first question then to be proposed is—what sum is requisite to emigrate to New South Wales, with certainty of success, and at the same time, considering that the individual wishes to retain a respectable place in society.

An answer not unadvisedly given would state that a sum amounting to 12,000 Rs. or money to the amount of £1,200 would be sufficient. It is, of course, understood that the current coin

is English, excepting Spanish and Mexican dollars, which are in great circulation, and worth 4s., 4d.—The present value of the rupee is 2s. 1d.

An individual with this sum would do well not on any account to purchase investments intended as merchandize, neither is there the least necessity to convey any property, except that which is necessary for the voyage. Furniture may always be procured at Sydney, and the markets consequent to numerous arrivals are so variable, that little dependence can be placed on them. The article of tea may be produced as an instance, that commodity having fallen 60 per cent in price, owing to the profuse importation in 1832.

The emigrant would act wisely to procure, not only influential, but also serviceable introductory letters, to individuals from whom valuable information would be procured.

Farms are continually being offered for sale through the medium of public advertisements, but the new comer ought to be extremely cautious of accepting, what may too frequently be deemed, alluring baits. He ought to be thoroughly satisfied that the parties with whom he is about to deal are respectable, and that the cause asserted, as the reason for their quitting the estate, is really the fact. It may, however, be taken by the emigrant as a safe and general maxim, that, with the exception of small farms, few estates that are offered for sale are truly valuable, for in case a profitable farm is to be disposed of, numerous applicants, of old standing, in the country, invariably present themselves, and preclude any necessity for the seller to incur the expense and trouble of advertising.

On the emigrant's arrival in Sydney, he must, immediately commence active arrangements and the best plan to be adopted is to procure a map from the Surveyor General's Office, on which the grants of Government to settlers, are all presented to his view. With practical and experienced people he must then advise, regarding the best part of the country to emigrate to, and, being well satisfied upon this point, would act wisely to proceed forthwith to the district, having previously procured introductory letters to the most influential persons there; they will invariably offer their best advice. It is, however, necessary to inform the settler to procure a site, well watered, with good and open pass, and with what is designated "a backrun,"—such may be procured as pasture for the cattle. From the Government he can then purchase the land at 5s. per acre, and moderate perseverance, combined with prudence, will invariably be crowned with success.

One caution ought to be deeply impressed upon the mind of the settler, the mode adopted in disposing of cattle and stock-in-trade. The emigrant must be very careful in his purchase, and never buy until favourable opportunities, from respectable parties, present excellent

bargains. This caution cannot be too strongly insisted upon, more particularly with regard to sheep, an animal which is productive of certain returns proportionate to the fineness of the wool, and consequently the original cost.

A person interested in the present enquiry, and I believe not a few in India have and do still entertain serious ideas upon the subject, will perhaps enquire the district which is not only the most fertile, but also most suited to the individual who has long resided in India.

There are undoubtedly many individuals in Bathurst, or as it is more generally known by the designation of the New Country, whose origin and subsequent career fit them for any rank (however exalted) in society, yet, many farmers, who, originally prisoners, have obtained their ticket of leave, have also located there, an objection not applicable to the generality of settlers at Hunter's River, who are nearly all respectable and opulent members of the community. 'Tis true both are extremely eligible, and both lands are equal in fertility, yet the capabilities attached to the district of Hunter's River, are those, to which Bathurst can never aspire. The roads from Bathurst to Sydney are excellent; and the produce of the farms may at all seasons, and at all hours, be with facility conveyed, yet the steam communication from the Hunter, reduced by competition to rates exceedingly low, provides the settler, not only with a safe passage, but also with a cheap, and what is of more advantage, rapid conveyance of his commodities to Sydney. Three steam vessels now ply between Port Jackson and Maitland, a rising town of considerable extent situated about 40 miles up the River Hunter, the stream not being navigable to any greater height, excepting to vessels, averaging from 5 to 10 tons burthen.

I shall now proceed to offer a few remarks upon servants. Those prisoners who have not been found guilty of any heinous offence, and whose conduct on the voyage has been tolerably correct, are considered capable and deserving of filling the situations of "assigned servants." The settler, after procuring the land, is, at his request, furnished with a certain form, which he fills up, according to directions given, and then forwards it to the "Board of Assignment," who provide the applicant with the desired servants, accordingly as they have been applied for in rotation.

On the servant being assigned, Government provides him with one complete suit of clothing, for which the master pays the sum of one guinea. It is also the duty of the emigrant to furnish the convict, with the following rations per week;—meat 10½lbs; flour, 10½lbs; sugar, 7oz; salt, 2oz. If the servant conducts himself in a creditable manner, the employer not unusually presents him with tea and tobacco, but this is perfectly optional on the part of the master.

The emigrant is also required to furnish his assigned servant with two suits of woollen slop

clothing (usually made of paramatta cloth, a cheap yet most durable commodity,) three pairs of boots, four shirts, and one cap or hat per annum, but generally, (excepting in large establishments) they receive clothing as required, an arrangement profitable to the master. The total expense of a male prisoner in N. S. W. may be averaged from £9 to £11 sterling per year.

The extreme healthiness of the climate, combined with its moderate temperature, render it a residence peculiarly adapted to the enervated individual of India. Some few cases resembling remittent and continued fevers, have occurred, yet these were of so undecided a nature, as not to allow of any satisfactory deductions. It may, therefore, be safely asserted, that intermittents, remittents, typhus, scarlet fever, small pox, measles, hooping cough, and croup, are here unknown. Much annoyance has been experienced from a hot wind, fortunately of short duration, and in some instances, after having discovered certain febrile concomitants terminates in what is generally designed, "a blight in the eyes," which by common attention is easily cured. The hottest months are from December to March, more particularly February, in which month the thermometer not unfrequently rises to 75° in the shade, at noon. July, which is the coldest month, the thermometer averages 53°. The temperature throughout the year is most congenial to the old East Indian.

I had almost omitted to mention a circumstance of no trivial import to the emigrant upon his selection of the ground. From the date at which he applies for the land, nine months, on the most favourable calculation, must elapse, till the time he is able to purchase the desired spot.

And in fixing upon any particular site, he must be exceedingly careful that he is to meet with no competition in the market, as it is in the power of any other colonist to outbid him at the sale. This circumstance may, however, by moderate foresight be avoided, as this would only occur when the contiguity of the allotment affected the interest of the adjoining landholder.

I observed that the sum of £1,200 would enable an individual to emigrate to New South Wales with every probability of success, an investigation into this remark may not be unprofitable to those interested in the subject.

Say, the passage of the emigrant amounts to £50, and upon his arrival, he purchases twelve hundred and eighty acres, at the minimum price of 5s. per acre, this will amount to £320. The clearing and cropping for one year of fifty acres is £250. A house erected under favourable circumstances, (wood being always procured in abundance) will cost him £100. Agricultural and incidental expenses may amount to

£150 more, the balance may easily be discovered.

Passage, .....	£50
Purchase of 1,280 acres of land, at 5s per acre, ....	320
Clearing and cropping of 50 acres, ...	250
Building a residence, .....	100
Incidental expenses, .....	150

Total amount, .. 870

which subtracted from the original sum of £1,200, will leave a balance of £330.

In the above calculations there are many items which being too lengthy to publish in detail, are of course omitted, the principal being the cost incurred by entertaining servants.

From the circumstance of my having mentioned that £1,200 is a sum adequate to the purposes of a respectable emigrant, it must not be inferred that this amount is capable of speculating successfully in grazing pursuits. Those individuals who possess large capital will undoubtedly do well to invest their money in agricultural, farming, and grazing avocations, and the latter will return them immediate profits; yet the settler possessing only £1,250. must, by progressive and prudent steps, only attempt to enter upon this business.

There is another advantage which the capitalist enjoys, and which may prove of the greatest benefit to him. The circumstance of his being enabled to procrastinate his proceeding without any essential injury to his capital. The time that is spent between his arrival in the Colony, and that at which he commences active operations, ought to be devoted to acquiring practical and useful knowledge, concerning subjects connected with his future pursuits. And to do this effectually it behoves him to proceed to some friend's residence in the interior, of old standing in the Colony, and in the active proceedings which he has daily opportunities of investigating there, he will procure that information calculated to be of inestimable service to him, when conducting and superintending the proceedings on his own estate.

The last quotations from the Sydney markets are exceedingly high, and this is owing to the

drought which has prevailed during the past year, and of which I shall take an opportunity presently to offer a few observations. The prices were as follow.

Wheat 13s. 6d. per bushel; Maize 10s. per ditto; oaten hay £18 to £20 per ton; potatoes 14s. to 18s. per cwt; fat bullocks averaged from £6 to £8 each; sheep from 14s. to 18s. each; pork per lb 4½d; draught horses from £10 to £15 each; gig and saddle ditto from £15 to £30; fine flour per 100lbs. £1 18s; second ditto £1 16s; American ditto £1 15s; but it must be borne in mind, that this is by no means the average price of provisions, all commodities being, (unless at the period similar to the present) exceedingly low.

But there is another class of intended emigrants, and they are probably the most numerous, to whom a few words, founded upon practical knowledge, may not prove either uninteresting or unprofitable. I allude to those individuals, who unfortunate in their circumstances, and being possessed of no means, by which any likely improvement in their concerns may take place, are willing to risk their remaining property in emigrating to New South Wales.

To such an individual possessed of £500, I could seriously offer as the best advice, a most careful foresight in the distribution of his little capital. Many persons have purchased land with an equal amount, and they have even calculated liberally for the expense that would of necessity be afterwards incurred in cultivating the farm, yet their store has too frequently proved miserably deficient, and they have found themselves unexpectedly situated on the verge of beggary.

An individual of this class ought, upon his arrival, to place his money out upon interest. He may easily procure 10 per cent for his cash upon the best security. He has thus the pleasure of knowing, that his original property is not diminishing, yet, in the mean time, he has to procure a subsistence for himself. This object is easily attainable in a subordinate situation, such as overseer to some of the numerous stockholders, who are ever in want of respectable men to manage their affairs. While in his situation, (preferable to all others) he must

expect to undergo those deprivations to which he has probably been used at home, and must make up his mind to the forfeiture of all regard to appearances.

He is now in a situation by which he procures excellent food, and opportunities almost invariably are presented, which he would act prudently to embrace, by the purchase of any cattle, from the amount of his wages. It is understood that these could be kept without his incurring any extra expense, his employer not having the least occasion to refuse permission to their remaining on his "run."

By these means the settler, with a capital of only £300 will, by constant perseverance and industry, accumulate sufficient property to commence the cultivation of his own land, without drawing upon his original capital, and by this mode of procedure he is placed in a most advantageous situation, for by invariably keeping in hand from a fifth to a third of his original capital, he is always prepared to take advantage of the market, and not sell his produce, when meeting pressing demands, in a disadvantageous manner.

It may not be uninteresting to the generality of my readers, who are most probably connected with the Army, to present them with the arrangements promulgated for the information of those who may be disposed to become settlers in New South Wales or Van Dieman's Land.

"The officers of the Army wishing to become settlers, shall, like other individuals, procure Land, only by purchase at the public sale, but they shall be entitled to have a remission of the purchase-money, to the following amount, provided they shall produce, from the General Commanding-in-Chief, satisfactory testimonials of good conduct, and of unexceptionable character.

Officers who have served twenty years and upwards, shall have a remission of £300.

Officers who have served fifteen years and upwards, £250.

Officers who have served ten years and upwards £200.

Officers who have served seven years, and less than ten, £150.

Each individual Officer who may obtain this remission will be required to give security that he or his family shall reside at least seven years in the settlement; and he will also be required to provide for his own passage to the Colony, and for that of his family."

I have now addressed myself as minutely to the various classes, who emigrate to New South Wales with capital, as the very limited space of a public Journal will admit of, and shall terminate by addressing myself generally to intended colonists.

Men who command considerable capital are those who will not merely meet with immediate returns, but also enjoy ample opportunities of vesting their property in safe speculations, which admit of high profits. Although New South Wales is certainly adapted to the production of all the vegetable luxuries, fruits and grains of other countries, the soil will by no means average so high as the soil of Great Britain, although pre-eminently fitted for pastoral pursuits. The emigrant then who arrives in the colony with but a small capital, and who consequently intends embarking that wealth in agriculture, would do well to turn his attention to the banks of the Hunter, the districts of Bathurst, Argyle, Illawara, the South-East corner of New Holland, and between the Murrumbidgee and the sea, where soil may be discovered which is capable of productive energy, not to be surpassed in the world. This consideration is not of such moment to the grazier, who can hardly purchase a wrong allotment, as the grasses of New South Wales, which are abundant throughout the colony, are peculiarly congenial to the rearing and fattening of cattle. The chief desideratum to be considered by him is, that the land purchased is well watered, by streams which continually flow during the summer months, or throughout a drought.

The principal source to which the rapid prosperity of New South Wales may be justly attributed is the abundance of suitable land, for the purpose of pastoral and agricultural pursuits,—and the absence of rent and heavy taxation.

I cannot, I conceive, in concluding this article, answer my intended object better, than by offering for the perusal of those who have

felt an interest in the preceding observations the terminating remarks of the Rev. Henry Carmichael, A. M., in his hints relating to emigrants and emigration.

"In conclusion, it seems proper to caution emigrants generally, against harbouring undue notions of the success and enjoyment which await them on setting foot in this territory. Much disappointment will be the necessary consequence of extravagant ideas thus unwarrantably entertained: those who come hither in the confident expectation of realizing a speedy and splendid fortune, will find themselves grievously disappointed: the possession of thousands of acres of land has the chance of engendering foolish thoughts in the mind of the lately arrived emigrant: unfortunately it is so apt to be forgotten that the worth of a man's property ought to be estimated not by its extent, but by its exchangeable value; and hence ensue habits and heedlessness unauthorized by the true state of the emigrant's resources: difficulties and ruin are the probable consequences. On the other hand, if the small capitalist come hither with the fixed purpose, by dint of patience and perseverance, of working out for himself and family, the enjoyment of independence, and the substantial comforts of life, he may rest assured that these are to be attained in New South Wales, at a far less expense than at home, and under circumstances which in the mother country would altogether preclude the hope of ever reaching so desirable an attainment. In the outset of his career, however, he must bear in mind that to secure his success, the most rigid economy is absolutely necessary, not only in the matter of living and clothing, but in all the minutiae of his daily operations. If he be proof against the disappointments and chagrin which necessarily attach to the discomforts of a first settlement; if his courage, cheerfulness, and perseverance be strong enough to stem effectively the current of despondent feelings, which sets in with formidable force among the details and drawbacks of his early labours, he may count with safety on his attaining in the end, for himself and family, a footing of respectability and amount of substantial enjoyment, which at home he never could have indulged the prospect of acquiring, by any means or management whatever."—*Delhi Gazette.*

## RESUMPTION OF RENT-FREE TENURES.

The distressed state of the ryuts of Bengal has been for some time an interesting subject of enquiry, and though much has been said on it, yet nothing we think ought to be held back from the stock of information, in regard to a question which concerns the welfare of millions of our fellow creatures. With this view we shall offer a few observations which have occurred to us from the extraordinary fact that the ryuts are complaining this year of an unprecedented increase in the produce of grain. In order to understand the merits of this question rightly we must go back to the consideration of the revenue system which obtained in this country previous to the coming of the English. When the country was in the hands of the Hindus, land revenue was paid in certain proportions of the produce, and no, in specie, besides which various other taxes were levied on different articles of luxury in proportion to the consumption of each kind. The Mahommedan conquerors of India pursued the same system; but with this difference, that, instead of a share of the produce they took an equivalent in specie. The other taxes at this period amounted to about thirty-two; one half of which was for the personal expenses of the Emperor, his family, and the aristocracy connected with his court. In 1762 when the East India Company got their firman from the Emperor of Delhi, they abolished the taxes which had been levied for the personal expenses above noticed, and the amount of the other taxes they added to the land revenue, and consolidated the whole into one tax. From that period the assessment was raised by means of competition afforded to zemindars at the numerous periodical settlements which preceded that of 1793, when the revenue was permanently fixed in Bengal. At these periodical settlements the juma of each estate was put up for disposal to the highest bidder, and thus nothing which could raise the revenue was left untried.

The first step towards the impoverishment of the ryuts or actual cultivators of the soil appears to have been the change in the manner of taking the revenue which the Mahommedans introduced. They took silver instead of a portion of the grain which forced the ryuts to convert that portion of their produce into money, and exposed them to the cupidity of the grain dealers. Thus in the same ratio as the latter profited by their dealings, the former suffered, and were obliged to give up a larger portion of their produce on account of the Government revenue. The change which took place in 1762, in the transfer of the revenue arrangements to the East India Company, contributed not a little to increase the burthen of the ryuts. A large portion of the tax, as we have stated above, was taken off from tradesmen, manufacturers, &c. and

saddled on the agriculturists. The progress of the English in the revenue settlements of the country was in keeping with the step they had taken on getting the firman. They tried every means to induce the zemindars to increase the juma, and were remarkably successful in the attempt. But in ratio to their success the ryuts were forced to pay the increased tax. The progress of this oppression was in some measure checked in 1793 by the permanent settlement, when the zemindars were told that the assessment, would not again be increased, and the ryuts were protected by Regulations from any further increase of rent. In this state things remained and prosperity again commenced to dawn upon the poor ryuts, who had by this time reconciled themselves to their fate, and increased their exertions to meet the overwhelming taxation. But whilst this made their situation comparatively comfortable another circumstance occurred to thwart their prosperity. The improved machinery of Europe and America poured into the Indian market manufactures of a superior and cheaper kind than those which the natives with their rude machinery and manual labour could produce and every bazar from one end of the country to the other became stocked with articles of foreign manufacture. All the weavers and other classes, engaged in manufacturing, the different articles of luxury, were now compelled to leave their looms and other apparatus of trade, and take to the plough. This brought an increase of hands into the agricultural field, and producing another competition necessarily reduced the price of labour. The mischief did not stop here. The importation of foreign cloths was followed up by the importation of thread manufactured by steam, and every woman in the country was obliged to give up her spinning wheel, and sit idle to starve or mispend time in those indulgences to which the warm climate of India is known to induce those who have the misfortune of uniting ignorance to idleness. Many of these, whose strength and situation in life allowed them to labour in the field, resorted to that employment at a much reduced rate, and thus aggravated the distress caused by the cheapness of labour.

Even then the people made shift to live without absolute destitution. But the cup of their misery was not yet filled to the brim. The Company gave up their trade about this time, and all the people who had been employed in their factories were deprived of their means of livelihood. The political economist, it is true, told them to turn their attention to the cultivation of the waste lands. But this is sooner said than done by people who have grown grey in a particular calling. In time this too was done; and the people made shift to drag on a miserable existence at the tail of their half-starved plough bullocks.



Now came the catastrophe of this statistical tragedy in the late commercial convulsions, by which capital seemed to vanish from the land as if by the wand of an enchanter. The little capital that was left in the market has since been fully employed in the indigo and opium trade. The indigo produce of this season is calculated at 1,10,000 maunds which at 1,00 Rs. the average cost of production will require a capital of 1,10,00,000. The opium employs at least 50,00,000. Here we have a capital of more than a crore and a half engaged in the trade of only these two articles. Little indeed can remain in the present state of the market to be employed in exporting other articles of produce. Hence the glut complained of. The emporium of our commerce has no capital to invite the grain merchants of the provincial markets to empty their granaries; and so long as their granaries are not emptied the cultivators cannot find purchasers for the great quantity they have produced by an increase of labourers. In some of the provinces rice is now offered for sale at 4 annas the maund and few wish to purchase it. The cultivator therefore cannot pay his rent, and without that the zemindar cannot pay his revenue, therefore the whole population is in distress. They are literally destitute in the very midst of a glutted market.

Besides the failure of the principal Agency houses there are other circumstances which have tended to decrease capital and cripple the resources of commerce. By the Hindu law, as prevalent in Bengal, estates are equally divided among the children of a man, unless otherwise disposed off by will. By this means most of the larger estates have been sub-divided, and the present proprietors are so reduced as to be totally incapable of any great effort. To notice but one instance we shall refer to the Shabarno family. Some years ago a great portion of the 24 Pergunna district was in the possession of one member of this family. It is now sub-divided into about a thousand petty estates, so that no other estate gives more trouble to the Collector in the recovery of the revenue. This is an existing instance in our neighbourhood, so that any man may easily satisfy himself of the fact. This sub-division of estates involves the question of the law of primogeniture which in itself is so extensive and ramified a subject as to need a separate article for its discussion. We shall not therefore enter upon it here.

A consideration of the facts we have noticed leads us to think that there are but two ways of ensuring the prosperity of a country. We must either have what is called the protecting duties, and totally or partially prevent the importation of foreign manufacture, which is impossible in regard to India, or place the country, with respect to capitalists and improved means of manufacturing, on a footing equal to that of the countries with which it has intercourse. The very existence of free intercourse with a country, superior in these respects must tend to the gradual impoverishment of the inferior country. But India is

not only not protected, but is oppressed by an unfair advantage being given to other countries against her productions which are burthened by a heavier duty. The Government should carefully look to the danger likely to arise from such a state of things, and in time provide against it. The people too, though it is almost a misnomer to call our countrymen by that name, should look to these things, and endeavour to obviate the evils, which have been so long allowed to exist in this fair portion of the creation.

We shall advert to some of the evil effects which have risen from the distress of the ryots. As zemindars are required to pay their land revenue to Government in cash and not in the articles produced on their lands, cash is always in demand, and they of course do not wish to receive grain from their ryots of which the latter have abundance to give; but want their rents paid in cash which the ryots have not. In this state of things, after having used every other means to recover rent from the ryots, most of them have offered to give release on the payment of only one half or quarter of the amount of *bukaya khazanah*. The ryots have therefore an extraordinary inducement to raise money for the payment of their debts. They find the present to be the most advantageous time for clearing themselves from the demand of their creditors, and are naturally led to adopt the most difficult means, whether lawful or unlawful, for the purpose of benefiting by the circumstances of the time. We have personally known instances in which ryots having one day arranged with the zemindars to clear an obligation of 10,000 for only 200 rupees, were the next morning brought before him in custody for having that very night committed robbery. On being asked the reason of their having been guilty of so heinous a crime, they freely confessed that having no other means of meeting the zemindar's demand, and being further stimulated to clear the obligation by the very advantageous terms that had been offered, they had been led to the perpetration of the act with which they stood charged.

It is by no means easy to devise any remedy for this state of things, unless it be the radical reformation of the Mofussil Police. On this subject therefore we shall offer some remarks. The inefficiency of the Mofussil Police has always been a matter of notoriety: we have heard frequently enough of great extents of country being placed under one Magistrate, so that he can scarcely look after one tithe of the district under his charge. He is accordingly obliged to leave the care of the police exclusively to the Darogas, who are themselves situated too far from the Magistrate to be under a proper check, and too far from each other to exercise an efficient control over the country. Hence the frequency of robberies and crimes in the Mofussil. Even if the Darogas and the subordinate Police officers were conscientious in the discharge of their duties, of which we know no instance in existence,

they would find it difficult, with the means at their command to guard the country in a proper manner. What can be expected from some eight or ten ill-paid, half-starved peons, scattered over 20 or 30 miles of the country?

But there are other causes, besides the inefficiency of the Police establishment, which account for the frequency of crime in the Mofussil. The people in charge of the Police have evidently two ways of acquiring a good character before their superiors—by effectually suppressing robberies and other crimes or by making it appear that their promise and vigilance has prevented people from attempting to break the peace. The former, which indeed is the only honest way of discharging their duty, does not only involve a great deal of trouble and personal danger, but in consequence of the numerical inefficiency of the establishment, is generally beyond their power to encompass. In the conscientious discharge of their duty, even if they do detect a good number of robberies and apprehend a few of the robbers, still blame attaches to them for not having succeeded in apprehending the whole gang. The existence of crime, when known, is placed to the discredit of the Police, and as they see, they cannot, with the means at their command, effectually prevent the commission of crime: they find it their interest to make it appear that crime does not exist. This is a prolific source of mismanagement and abuse. When news of a robbery is brought to the Thana, the Darogah and his people repair to the place, and if they find that the robbers have not been already apprehended by the people robbed and that their apprehension would be difficult or impossible, they generally endeavour to make it appear that the complaint of the party robbed is a fiction, and that no robbery took place. If they cannot in this manner hush up the business, they generally endeavour to render the situation of the injured party so annoying as to force them, though unwilling, to connive with the Police people in pretending that nothing extraordinary took place. The aversion of the natives to swear is well known. The first thing is therefore to put them on oath. Many who can clearly prove the occurrence are thus forced to abscond or secrete themselves. If however they are caught, the step, after having made them sacrifice all their prejudices regarding swearing, is to take them into the Thana, and there make them attend from day to day to the great injury of their daily avocations and infliction of a species of annoyance which is severely felt by people of caste, who can neither eat nor drink comfortably without being released from confinement. Indeed the proceedings against the robbed party are so unnecessarily severe as sometimes to cause the desertion by them of the whole neighbourhood in which a robbery is committed. The usual course for people robbed would, under a natural state of things, be to flock to the scene of distress and be actively engaged in endeavouring to discover the perpetrators of the crime. But the

case is just the reverse; the occurrence of the robbery, they know by experience to be but a prelude to a concatenation of troubles, and to cut short the matter, all who can, do literally run away, as if they themselves had been the offenders instead of the offended. The natural timidity of the natives of Bengal, and their peculiar notions and habits, their reluctance to appear in a court of justice, and in the presence of Europeans, make it very easy for the Darogah and his peons to effect what they desire—the suppression of the complaints. Thus robberies and other crimes are daily perpetrated, and the appearances are such as if no crime existed. This is certainly a false state of things, and reform is most urgently called for.

For these reasons the real state of the country remains unknown to the Magistrate, and it often happens that when instances of crime are brought to his notice, he also, in consequence of the inefficacy of the means at his command for the suppression of crime, finds it his interest to countenance the practice of his subordinates; and thus prevent reports of unpunished crimes and undetected criminals from being brought to the notice of Government and other superior authorities. It might be said, that respectable European functionaries would not sacrifice principle for the sake of expediency. We fully admit, that principle would be opposed to abuse; but how can it be expected, that it will always contend against the current of circumstances which it is natural for man to follow, and which in the instance we are adverting to, must very forcibly induce the most conscientious functionaries to depart from the strict path of rectitude. This may be said of the best constituted minds. But it unfortunately happens, that the best minds are not the only ones to whom the important charge of the Mofussil Police is committed. Young men from the Haileybury College, which all the world has found out, is not the best school for the education of the Indian judicial functionary, come out to India, and after the acquirement of a smattering of some unintelligible jargon called the vernacular language of the country, and as ignorant of the manners and customs of the people as the man in the moon, are appointed to the charge of a district of some hundred miles, and over an establishment in which so complicated and compact a system of abuse as we have described has been carried on for years. How, in the name of common sense, can efficiency be expected under such circumstances?—Let us, for a moment, compare the situation in which the Mofussil and the Calcutta administrators of justice are placed. From the decision of the Supreme Court, lately given in the case of *Calder versus Halkett*, it appears that in certain cases there is scarcely a chance of appeal from the decision of the Mofussil magistrate to any higher tribunal. He is therefore placed in this regard in a similar position to the Judges of the Supreme Court of Calcutta. Now, mark the superior advantages, which the latter possess for the proper discharge of their duties. In regard to

personal qualifications they have all the advantages of the best legal education which the world can afford; the experience at the bar and in society which they have acquired before their elevation to the bench, makes them very different persons from the young Mofussil Magistrates, who can boast of no better training than what we have stated. But the greatest advantage the administrator of justice in the King's court enjoys over the Mofussil Magistrate is in the channel through which cases are submitted to him and the aid he receives in forming his judgment on the merits of the question. The Police Magistrates first examine the witnesses and prepare the evidence for submission to this high tribunal. In cases of murder or manslaughter the aid of a Coroner's Jury is also afforded, in which the united judgment of twelve disinterested people, examining the case on the spot, with the aid of a medical adviser, is available. The Grand Jury consisting of twenty-four highly respectable inhabitants is next engaged in the examination of the cases. The Petty Juries composed of men who are well qualified from their local knowledge to judge concerning matters of fact also afford their aid. The experienced and independent barristers examine and cross-examine the witnesses, and elicit facts calculated to throw light on the circumstances of the case. Thus prepared and ably assisted, the Judge of the Supreme Court performs the important and sacred functions of his office.

In regard to the Mofussil Magistrate the absence of these advantages would alone be a most serious drawback on the proper discharge of his equally responsible duties. But this is not all: instead of assistance the venality and corruption of his Amlahs give him cause of great embarrassment. In short, taking all the circumstances of the case, it is a matter of surprise that things are not in a worse state than in what we find them to be. In this position of affairs we might have reasonably expected to see some measure taken for the correction of these abuses and the improvement of the Mofussil Police. But instead of it, to our great regret, we find that in many instances the duties of the Magistrates have been transferred over to the Collectors. Now this functionary is so overloaded with his own fiscal duties as scarcely to have time to attend to the extra duties connected with the sale of stamps, abkarry, the dawk, &c. &c. all which he has to perform, besides corresponding with the Commissioners, the Sudder Board, the Sudder Commissioners and several other public functionaries. He is required to examine the rent free lands of the zemindars, to institute proceedings against them, to investigate the case himself, and to take possession of lands on account of Government; he is to decide all distrain cases between zemindars and ryots. He is obliged to answer appeals and references made to the Sudder Dewanny Adawlut, and a variety of other duties which it is needless here to enumerate. Besides all this it is known that his merit as a public functionary is to be estimated chiefly by the

exactness and promptitude with which he collects the revenue. It is natural therefore that a man in his situation must have very little time or inclination to undertake the duties of the Magistrate. He appears altogether unfitted for the task. It is indeed difficult to conceive the reason which notwithstanding the direct pledge given in the Regulation II. of 1793, could have induced the local authorities here to unite in so many instances the offices of the Collector and the Magistrate. If it be economy, it is certainly a very mistaken one.

In the Legislative Council we have however the remedy for these evils, and we trust, they will without delay turn their attention to the subject of the Mofussil Police. We have reason to fear that owing to the causes already mentioned, the real state of the country is not laid open to the Law Commission or the Government, and under an erroneous idea the existing state of things do not require any immediate remedy, they are likely to be lulled into a most dangerous indifference in regard to the state of the Mofussil Police. The public records are not sufficient to convey an adequate idea of the real state of things, and it is to be hoped no means by which the members of the Council can acquire information will be disregarded.

The activity with which the resumption of rent-free lands is now carried on by the fiscal officers of Government calls for some remarks from us. When the East India Company received their *firman* from the Imperial Court of Delhi, it was provided that "all grants of rent-free land made previous to the 12th of August 1765, the date of the Company's assumption to the Dewanee, shall be deemed valid, provided the grantee actually and bona fide obtained possession of the lands so granted, previous to the date prescribed, and the lands shall not have been subsequently resumed by the officers or orders of Government." This pledge has also been confirmed by the British Parliament, upon a distinct understanding that when the country will be transferred from the Company's controul to the British nation, the pledge, in common with other articles of treaty made by the Company with the Native princes, will be held sacred.

It is not our intention here to enter particularly into the grounds on which this pledge was given by the Company. Were we to inquire into that we would, arguing on abstract principles, be disposed to question the justice of the measure. Taking the Government as the guardian of the nation, and not the absolute owners of the country—a light in which we constantly desire to view them, we would ask whether they were justified in placing beyond their reach revenue to the amount of about two crores and a half which is the estimated value of the rent-free lands in Bengal and the ceded districts. Maintaining as we do that the Government is to be regarded as the guardian of the people, and the people bound to pay all its just demands, we cannot but regard the alienation of this amount of

revenue as a tax on the country, levied in order to support a few individuals. If this large amount of revenue were available for the general purposes of Government, taxes to that amount might now have been remitted, and the burthen of the mass of the people lightened. Therefore viewing the subject in this light, we think our rulers were not justified in giving the pledge they gave on assuming the Dewanee of the country. But the deed has been done, and the years that have rolled over it have confirmed the act. The usage has become a law—and even the most strict moralist must now admit that families which have for generations enjoyed this privilege cannot now be deprived of it without outrage and injustice. Many have been born on these rent-free estates, and have grown old in the hope that their children will be maintained by them. This, whilst on the verge of the grave, are threatened to be deprived of their only means of livelihood, and to die without the consoling reflection that they leave their descendants those in whom their happiness has been centered, in independence and comfort.

Occupancy for any considerable time is the primary and universal law by which land is held by the various portions of the family of man. Into whatever part of the globe we extend our inquiry, we shall find, that the original right of possession came from long and undisturbed occupation. This has been subsequently recognized by the different legislatures, and the period sufficient to confirm possession has been variously fixed; but none we believe has fixed it beyond sixty years. Now from the year 1765 to the present date, there are upwards of 70 years, a period sufficiently long to confirm the possession of the occupier even if there were no documents at all. We are therefore at a loss to conceive how Government can justify their resumption in the very face of this fact which at once appears to overrule all their proceedings, and with its venerable antiquity to mock all their search after musty records and old sunnuds. In a country like this—so subject to inundations, conflagrations, and other calamities, it is extremely unreasonable to presume that documents executed 70 years ago could have been preserved to this day. The chances are evidently against such a presumption, and we really do not see how Government can justify themselves in making the investigation they are so earnestly pursuing.

If notwithstanding these important considerations, Government are determined to investigate the titles of all rent-free lands, and disturb the possession of so many years, it might be expected that they will conduct the inquiry in the most careful, impartial, and disinterested manner possible. But instead of this, the manner in which these inquiries are conducted leave very little room to the people to hope that strict justice will be done in all cases. We have so often brought to the notice of the public the injustice of allowing the fiscal officers of Government to act as judges in cases where the interests of

Government are opposed to those of individuals, that we do not think it necessary here again to enter upon the subject: nor shall we recur to the many proofs we have already given of the multiplicity of business with which the fiscal officers are already burthened, which totally disqualify them from undertaking the conduct of judicial proceedings. We shall content ourselves by referring the reader to our remarks on this subject made in a preceding page.

But there is another feature of the question which we are anxious to bring to the notice of the public. After the Collectors had been absolutely empowered by the Regulation III of 1828 to act as judges in regard to cases of resumption, the inhabitants submitted their appeal, praying that this union of offices be discontinued. The petitioners, it is true, received no reply directly from the Court of Directors: but the subject was not overlooked by them. In their letter of the 28th of September, 1831, to this Government, they allude to our petition, and communicate their orders on the subject. The following is a quotation from the document:—

36.—We see reason, however, for making a distinction between those cases and the cases in which the Government is a party, and in which the collector, as the instrument of Government in the cause, is also apt to appear in the light of a party. We doubt not that, generally speaking, your Collectors would act with a sincere desire of deciding justly, but if we were assured of their deciding with perfect impartiality in all cases, something would still be wanting. The administration of Justice has two ends; the one is, that Justice should be done, the other is, ~~that~~ the people should believe that it is done; and this last is a point of the greatest importance.

37.—It cannot be doubted, that when a Collector demands from an individual any sum as Revenue to Government, which that individual considers to be an illegal demand, a demand from which a just interpretation of the law would exempt him, and when applying for this interpretation, he is remitted for the decision to the very man who has made the demand, and against whose act he is reclaiming, there is an appearance of hardship—the appearance of his being remitted not only to the man who is the party against him, but a man who has already prejudged the question.

38.—We are decidedly of opinion that nothing but a strong necessity would justify the assigning of such decisions to functionaries thus situated, functionaries the situation of whom could hardly fail to create a prejudice against their decisions however just, not only on the part of those whose interests were affected by them, but on the part of the public at large.

39.—We have therefore come to the conclusion that Collectors should not be the Judges in resumption questions. This plan was recommended to you by its facility, and we do not by any means overlook the difficulties you mention, the weight of expense and paucity of qualified officers which stand in the way of a better provision. It is necessary, however, that a great exertion should be made; for it is not consistent with the character which our Government should maintain, to say that it cannot find the means of deciding in the most desirable way certain important questions of property between itself and individuals: and for that reason it takes a course which, to the public, has very much the appearance of seizing upon the property in question by an arbitrary act.

The opinion here expressed by the Court of Directors is precisely that which we have always maintained upon this subject, and no answer to the petition could have been more decisive or favorable than this. It is therefore much to be regretted that it is only now, about four years after the date of the document, that we have been enabled to discover it among the parliamentary papers printed for the use of the House, and to lay it before the public. This letter of the Honorable Court at once settles the question in regard to the union of offices of the Collector and the Judge in resumption questions. It explicitly declares that "*Collectors should not be the Judges in resumption questions*"

Now we ask what has been done since the receipt of these orders from the Court of Directors to remedy the evil? We are really at a loss to answer the question: the Collectors, we see, instead of being relieved from judicial functions, are getting further burthens of this nature on their already overburthens shoulders. But we apprehend that, owing to certain causes, the business of investigating into rent-free lands is not felt so irksome by our worthy Collectors as in the absence of those causes it would have been. By the Regulations of 1793, 1795, 1803 and 1806, Collectors were allowed a percentage upon all cases of resumption which came under their cognizance. Thus a sort of legal bribe was offered to them to prosecute their inquiries into the titles by which the several rent-free estates were held. In 1808, the Government it seems became ashamed of such an enactment, and by Regulation XIII. of that year repealed that part of the regulations of 1803 and 1805, which related to the percentage. This was however done only in the regulations, which are printed and published: a private circular was afterwards issued by the Secretary to Government in the Territorial Department, dated 30th April, 1819, to the Board of Commissioners in Behar and Benares, in which we find the following notable paragraph:—

6th. With the view of further securing that object, his Lordship in Council has resolved, that your Board and other Authorities vested with similar powers, shall, in passing judgments on cases brought before you under the regulation in question, be authorized to grant to the several collectors under your authority, a commission not exceeding 25 per cent. on the estimated annual jumma assessable on the lands, regarding which an inquiry may be instituted, whether the opinion of the Collector and the judgment of your Board shall be for or against the resumption.

Stimulated by the hope of reward, the Collectors no doubt find the business of investigating the titles of rent-free lands a more agreeable task than their other duties; which under such circumstance must be neglected, whilst this lucrative one is ardently pursued.

We would wish to know what apology can be offered by the local Government for not immediately acting up to the orders of the

Court of Directors, enforced as those orders are by every reasonable consideration. Neither justice nor sound policy support their practice in this regard, yet they appear to adhere to it with astonishing obstinacy, even in the very face of the orders of the Court of Directors.—*Reformer.*

We have been informed that the order authorizing the Board of Revenue and other authorities to grant rewards to Collectors to the extent of a commission of 25 per cent. on the estimated annual jumma, assessable on the lands, regarding which enquiry might be instituted whether the decision should be in favour of resumption or not, has been abrogated so long ago as the 19th June 1828 by a Resolution of Government, of which the following is a copy:—

"That the payment of rewards to Collectors on account of cases investigated by them under the Rules of Reg. II. of 1819 and similar provisions shall cease but the Board of Revenue be authorized, on the final assessment of resumed tenures, to bestow rewards, not exceeding in any case the amount heretofore receivable by Collectors, upon such native officers and others, not being covenanted servants of the Company, as may have given useful information in regard to lands illicitly held free of assessment."

By this order the rewards to Collectors are prohibited, and since it passed none have been given we learn: but why is encouragement held out to native informers or spies, to hunt out defects in the titles of property? Such a system is unworthy of an enlightened Government. We know that informers are encouraged at home but the whole system is immoral and detestable.

We learn that measures are now in progress for carrying into effect the orders of the Court as to the adjudication of these resumption suits, and that Mr. Millett, the Secretary to the Law Commission, is preparing a law for the purpose. It is some consolation to us to learn, that meanwhile wherever the resumption laws are actively enforced, separate officers, instead of the Collectors, have been appointed to carry them into effect. This just arrangement has been carried into effect, we understand, in the districts of Patna, Benares, Sarun, Shahabad, Tirhoot, Monghyr, Bhaugulpore, Tipperah, Bulloah and Chittagong, and the system is to be extended as fast as fit men for such delicate and important work can be found.—*Hurkaru.*

We are much obliged to our contemporary of the *Hurkaru* for having set us right regarding the orders in force on the subject of the resumption of rent-free estates. It appears that the circular order which had been in force before, authorizing the Collector to receive twenty-five per cent. on all cases of resumption that came under their cognizance, has been abrogated so long ago as the 19th

June, 1828, by a resolution of Government, of which the following is a copy:—

“That the payment of rewards to collectors on account of cases investigated by them under the Rules of Reg. II. of 1819 and similar provisions shall cease; but the Board of Revenue be authorized, on the final assessment of resumed tenures, to bestow towards, not exceeding in any case the amount heretofore receivable by Collectors, upon such native officers and others, not being Covenanted servants of the Company's as may have given useful information in regard to lands illicitly held free of assessment.”

This considerably strengthens our position that the Government have been acting in this regard in an unjustifiable manner. From 1793 to 1808, a commission of twenty-five per cent. was allowed by regulation to the Collectors on all cases in which lands were resumed by Government. From 1808 to 1819, no reward of this kind was allowed. These means not having sufficiently answered the objects of Government, in 1819 the circular order we have brought to notice was issued, allowing twenty-five per cent. on all cases of resumption whether they were decided for or against Government. Thus the officers concerned were quite sure of their reward. In 1828 this reward, as we have seen by the above quotation, was taken away from the Collectors, and given to the Amlahs. Now in general the high principles of well educated and handsomely remunerated covenanted functionaries, afforded some chance of their not overstepping the proper boundary of justice, for the sake of gain; but when this reward is offered to the Amlahs, who are known to be corrupt to the very core, and when they are told that twenty-five per cent. will be given to them for “useful information in regard to lands illicitly held free of assessment,” there can be no doubt as to the abuses which they will practise in order to deprive the poor people of their rights. There is another circumstance which considerably aggravates the evil. The documents which alone can prove the title of holders to their best estates are generally to be found only in the records of the collectorates, which being in the hands of the very Amlahs who have an interest in disproving the claims of the holders, they do all they can to withhold information, and if they furnish it, it is not unless a sum more than twenty-five per cent. is given to them as bribe; when they of course sacrifice the interests of their Masters for a higher consideration. Unlike the custom of the Supreme Court, search is not allowed to be made in the records of the Mofussil Courts, and if a person wants the copy of any document he must give its precise date, &c. and petition for it on stamped paper before he can obtain it. These rules furnish to the Amlahs a variety of means to extort money from the poor land-holders, many of whom have purchased these rent-free states at the Collector's sales, and know nothing of the original papers. The change, therefore, which the *Harkaru* has brought to notice strengthens our position, by proving that, notwithstanding the repeated orders of the Court of Directors, the local Government are pursuing

the same course in a more unjustifiable manner than we had before supposed.

The *Harkaru* also informs us that “where the resumption laws are actively in force, separate officers, instead of the Collectors, have been appointed to carry them into effect.” Of this we are aware. But these officers, it should be borne in mind, are not distinct judicial functionaries as the Court of Directors require in their letter we quoted in our last. The object of the Court was to Judge from the complainant; but here the deputy Collectors are required first to search out and then to investigate the resumption cases, which obliges them to act in the double capacity of complainant and judge; and thus, after all, the intention of the Court of Directors is not answered, and the ends of justice frustrated.

The only reason for the appointment of these deputy Collectors appears to be the great excess of work in the hands of the Collectors who cannot pay that vigilant attention to the resumption cases as the Government require. — *Reformer*.

We have learned from authority on which we are disposed to rely, that the order or Resolution of Council which we recently quoted relative to rewards to native officers for giving information as to the titles of *lakhiraj* lands, has been suffered to be quite a dead letter. We are glad to hear it: but the fact is an additional argument against permitting any law to disgrace the Indian statute book, which encourages informers. Everywhere it is better—*a fortiori* here, where, heaven knows, morality is already at a heavy discount, where the Punic faith of the natives is a matter of melancholy contemplation to the moralist,—to incur certain pecuniary loss than to hold out a bounty on immorality—and who can deny that to encourage informers is to encourage immorality? We have heard it alleged also, as an argument in favor of the system we condemn, that the *lakhirajdars*, who feel the insecurity of their tenure and tremble at investigation, bribe higher than the Government. That the twenty-five per cent. (on a year's revenue of the land we believe,) is nothing compared to the value of the grant to the possessor, and that of course he will bid higher. To be sure he will; but what then? What is gained by the system either to the revenue or to morality? Do we secure the confiscation of the property or subject it to the tax? No. Do we put down bribery or diminish it? Quite the contrary. *Cui bono* then the continuance of a provision which is admitted to have become a dead letter, because, we suppose, the Court of Directors have discouraged it, and the Government have become ashamed of it?

We know that the mass of large *lakhiraj* grants is in the Central Provinces. And it is alleged that the real informers there are the *Mnlis* who have been ousted and kept out

of possession by the *lakhirajdars*, with whom some of those who profess to be familiar with the subject express great sympathy, as the parties entitled to a settlement, who claim no reward but justice. This may be so; but still as the Government has an obvious interest in ousting the *lakhirajdars*, we think that the instructions of the Court as to withdrawing these rent-free suits from the jurisdiction of the Collectorate department, which must from habit have a bias in favour of increasing the revenue for their Honorable Masters, especially the "pucknah Collectors" or their Deputies, should be observed in spirit as well as in letter.

We confess that looking to the decided interest the Government has in invalidating the titles of these rent-free tenures and turning them to account, we view with considerable jealousy the activity which is said to be manifested in the business of resumption, more especially when we consider that these titles which are to be overturned, originated at least 40 years ago. It may be all quite true that the purchasers of these estates look as sharply after their titles as they would after those of any other property; it may be equally true that the only rent-free tenures sold by Collectors, are sold in satisfaction of decrees of Court; but still that does not meet the objection to this eagerness to submit these tenures, whether sold or not—to the revenue tax, and we cannot resist the belief that such eagerness is an odious feature of our policy calculated to produce a most unfavorable impression upon the people. Unfortunately for us the proofs of our fiscal rapacity have been hitherto much more palpable than the evidences of our desire to ameliorate the condition of the people. Better days are dawning upon them—wiser and more liberal principles are being recognized in general by us, and what we desire to press upon the attention of authority in respect to *lakhiraj* claims, is, that we should not so eagerly encourage and press them against the possessors when our doing so is so peculiarly liable to be ascribed to sinister motives and so shake, indeed, the security of property in general. If the Malikis are the rightful owners of these properties let them bring their cases before the Court, but we say that those servants of the Company who have to decide them should be aware of any bias against the *lakhirajdars* considering what an obvious interest the Government have in transferring the property to those who are quite willing to pay the revenue tax on it.

We are sorry to see the *Guyananshun* lending itself to the advocacy of a species of political morality discreditable in its character and most dangerous in its tendency, to popular rights. Admitting that the Government pledged themselves to respect for ever these rent-free tenures, the writer argues that they did so without consideration, without foresight—in great ignorance—and that therefore they are now at liberty to revoke their pledges—to repair this "error of legislation"

no matter what changes may have taken place in the proprietors of the lands since the settlement of the Dewanny! In short the whole scope of the argument goes to support this position, that whenever a Government think or profess to think, that they can plead that they have entered into a treaty unadvisedly or made a pledge without sufficient reason, they may at any distance of time, depart from the one or violate the other!! The doctrine advocated is in short, that of expediency *versus* honor and good faith, and we are sorry to see a paper generally ranged on the side of morality and popular rights, lending itself to the support of a doctrine so hostile to both. The writer in the *Guyananshun* thus concludes:—

"If therefore the time has arrived when these prodigious errors in legislation are to be rectified by a body of law Commissioners imbued with the enlightened spirit of the age, and judging for themselves, not through the misty veil of imperfect official records at a distance of 14,000 miles, but on the spot, and with the country before them, it shall not, we hope, be the good fortune of interested parties to succeed in screening those gigantic abuses with the plea of 'sacred pledges' or 'undisturbed possession!' As well may the oppressor alledge I ought not to be disposed—I've sat firmly on the throne though by sufferance, and my children look to it after my death. When the interests of a vast country, like India, are jeopardized by treaties executed by penny-struck parties under the exultant feelings, incidental to the acquisition of exhaustless wealth, it is positively ridiculous to bring forward claims founded on grants from men who could not grant, but blinded by prosperity looked on the people and their property like a herd of cattle and disposed of them likewise. In olden times the Pope of Rome granted the possession of countries to be explored to his vassal kings and dependents. But history has long since verified the impotency of his fiat, and the inherent right of man to judge and dispose of his own by himself."

The case of the oppressor reigning by sufferance is not at all in point. The British Government solemnly pledged itself to respect in perpetuity certain grants—to allege then, that forty or fifty years afterwards they may resume such grants because they cause loss to the State, is to advocate public robbery to an extent far beyond Cobbett's equitable adjustment. A man may, as the Duke of Newcastle urged, when he ousted his tenants, for not voting for him, do as he likes with his own; but he has no right to dispose of what is not his own: now when a man or a government has alienated property in perpetuity, the resumption of it on any pretext is downright dishonesty.—*Hurkaru.*

(To be continued.)

## COFFEE, TOBACCO AND OTHER INDIAN PRODUCTS.

*Fort St. George, March. 1, 1836.*

Surgeon R. Wight, M. D., of the 33d Regiment N. I., having been appointed to enquire and report on the cultivation of Cotton, Tobacco and generally of all Indian products, as explained in the following Extract from the Minutes of Consultation, dated 17th November 1835, No. 1432: all persons capable and willing to afford useful information on these subjects, are invited to communicate the same to that Gentleman, and their letters addressed to him, and superscribed "On the Public Service," will be permitted to pass free of postage through the British territories in India.

No. 1432.

*Extract from the Minutes of Consultation under date the 17th November, 1835.*

1. The able and voluminous reports furnished by the Revenue Officers, on the results of the experiments made by Government to introduce the cultivation of American Cotton and Tobacco, and on the means best calculated for the improvement of the culture and preparation of these and other articles adapted to secure to this country a due share in external commerce, which have been elicited by the queries circulated by order of Government under dates the 2d June and 14th July, 1835, afford much information which, when carefully examined and condensed, will be useful to Government and its Officers in originating and carrying into effect the measures proper to be adopted in future attempts to promote these important objects. It will also be of great benefit to the public and to individuals to be furnished with accurate information of the circumstances on which the successful prosecution of the cultivation of articles for export and for home consumption must depend, on the advantages and defects of the Native processes and the modifications in the methods of cultivation and preparation which must be adopted to secure a remunerating price in Europe or in India for the country or exotic cottons, tobacco, dye stuffs and numerous other articles for which the soil and climate of the Peninsula are peculiarly adapted; and the extraordinary disproportion which has been long felt to exist, between the state of the trade and agriculture of the Provinces under this Presidency, as compared with the extent and fertility of the soil and its adaptation for the successful cultivation of many of the most valuable productions, renders it of essential importance to the interests of the people and of Government that advantage should be taken of the present favourable state of trade, for the effectual encouragement of improvement in the quality and increase in the quantity of cotton, tobacco and other articles with which the British and Foreign

markets might be advantageously supplied from these Provinces.

2. The papers submitted by the Board of Revenue on the cultivation of American cotton and tobacco, and the reports of the Collectors above referred to, leave no room to doubt that, notwithstanding the great difficulties inseparable from undertakings of this kind from the character of the people and the circumstances of this country, American cotton and tobacco and the valuable Bourbon cotton plant may, by a moderate encouragement, be successfully introduced into the Provinces under this Presidency; and that the benefit which would result would be experienced by every class of the people and by Government. It also appears, that the little success that has heretofore attended the exertions of Government and of individuals has arisen from the want of the information necessary to enable the latter to pursue the proper course of exertion, and the Government to afford the requisite encouragement to induce and enable the Farmers to cultivate successfully, new kinds of produce, or to improve the quality of indigenous productions.

3. From the extent and variety of the facts and statements contained in these papers, and the paramount importance that what is to direct the measures of Government and the exertions of individuals should be subjected to the most rigid investigation, it is necessary that an individual should be selected for the task of their examination and condensation, whose pursuits have rendered him familiarly acquainted with the subject and who could ascertain and correct by personal observation and well directed enquiry whatever may appear either doubtful or erroneous.

4. To do justice to the subject and to the authors of the reports, the person selected for the duty, will require to devote his whole time, for some months, to their examination: and it is very desirable that he should have the opportunity of careful and personal observation of many points on which the reports do not furnish sufficiently distinct and detailed information.

5. Dr. Wight, Surgeon of the 33d Regiment N. I., a gentleman of distinguished scientific acquirements and whose pursuits have been directed to these subjects, being eminently qualified for the duty and being now stationed with his Regiment at Palamcottah in the Tinnevely District in which and the neighbouring Collectorates great success has already attended exertions made to improve the products raised for export. The Right Honorable the Governor in Council resolves, with the concurrence of His Excellency the Commander-in-Chief, to select him for this important service.



6. The objects to which his attention should be directed will include a careful condensation of the whole of the documents, and of the replies to such enquires as he may address to the several Revenue Officers, who will be directed to afford every information in their power; with the results of his own observation on the methods of cultivating the country and exotic cotton, tobacco, senna, &c.

7. To secure the fulfilment of the views of Government, it is resolved to furnish Dr. Wight with the following general instructions for his report, but these are not to be considered to exclude the communication of useful information on points not specially adverted to.

1st. The circumstances in which the experiments with the American cotton and tobacco seeds sent out by the Hon'ble the Court of Directors, were made, are to be stated in detail.

2d. The causes which led to their failure should be ascertained; and those which may appear to have been accidental, and not such as to justify an unfavorable opinion in more advantageous and skilfully conducted trials, are to be pointed out, with a view to their being avoided in future.

3d. When any thing in the soil or climate appears to be unfavourable, attention should be paid to the opinions expressed regarding them; but when these are only founded on analogy with other products supposed to require the same soil or on the failure of the first trial from the apathy of the Natives, injurious modes of culture and preparation, or from inadequate encouragement, additional enquiries should be instituted, to ascertain as far as possible the real value of the facts; and whatever may remain doubtful should be pointed out as a matter to be hereafter investigated.

4th. When notwithstanding the various great difficulties attending first experiments, success either partial or complete has attended them, the information communicated on the following particulars cannot be too minute, viz, the kind\* of seed and the circumstances under in which it was obtained and sown; the nature of the soil, and method of agriculture adopted; the quantity and quality of the produce and its adaptation for the foreign and home markets; its value and the expenses incurred the first instance; and as far as can be ascertained, those likely to be incurred when the management is better understood, with the returns that may then be expected to be obtained. In this investigation the methods of gathering and preparing the produce should be fully explained, and such suggestions communicated as are calculated to improve those at present practised. This will necessarily lead to the description of the mode of cultivating the country plants, the defects in the manner of gathering and preparing their

produce, the causes of the superiority of the Coimbatore and Tinnevely country cottons, with the history of the introduction of the Bourbon cotton plant into these districts.

5th. With respect to tobacco, the methods of preparation and the qualities for which it is valued in some parts of this country are by no means the same as those that will render it a lucrative article of trade with Europe; the statements on this subject founded on native opinions are, therefore, to be received with some reserve, and the real extent to which they apply must be ascertained by personal enquiry. As this is an article nearly unknown to Indian foreign trade, and which from the great success that has attended the few experiments yet made in a proper manner, promise to be very advantageous to the country, it will be requisite to attend to the effects of any regulations now in force, by which the extension of the cultivation, its manufacture, consumption and export may be obstructed or embarrassed; and to the most eligible means by which the extension of the cultivation may be secured. This being an object of almost equal public importance with that of the introduction of the finer kinds of cotton, it is probable that, the result of the enquiries now in progress may point out the propriety of granting liberal encouragement, in the shape of moderate\* remissions for a certain number of years, the removal of modification of taxes at present levied either on the production or transport of the improved products, or by other methods; and it is expected, that the examination of the reports and the additional enquiries founded on them where the information they afford is imperfect, will enable Government to do so, in the most effectual and economical manner.

6th. The condensation and correction of the information contained in the reports and replies on the above subjects, will necessarily contain references to the nature of the soils, in which the various productions are most advantageously cultivated; and as the natives have long been familiar with these distinctions, it is believed that much benefit would result from a careful comparison of the information regarding the products usually raised on the several soils, with their nature as ascertained by an examination of the samples furnished by the Collectors. For this purpose, they should be arranged into classes, the differences in physical and chemical qualities of each of which should be clearly stated. Under each principal division, the varieties should be arranged and their differences stated; and from a careful comparison of all the soils, their local names and qualities over the whole of the territories under this Presidency, will easily be referred to those, whose characters have been ascertained. An abstract statement can afterwards be constructed, so as to exhibit in one view much important information on the various products

\* Kind of seed, as *Sra Island*, &c.; the time of its being received in India, and sent into the district; the season when it was sown, &c.

\* See Notices on this subject in the *Bombay Gazette* for 1835 page 300.

for which they are severally best suited, on the returns received from each, the expenses of cultivation and the value which should be assigned to lands of different kinds in revenue surveys. It will not only be useful to Officers in the Revenue Department and to the public to have exhibited in one view the names, characters, qualities and productions of the numerous kinds of soil, on which the nature of the agriculture of particular districts depends; but it will materially assist individuals engaging in raising any of the staple productions of the country, to know without the expense and disappointment of unsuccessful experiments, the kinds of soil in which they may expect to cultivate particular plants with success. For example; that the Bourbon Cotton plant, which produces the finest kind of Cotton wool, is most successfully cultivated in a soil similar to that most congenial to Coffee in Malabar and Wynaad; but that the rich black "cotton soils" in which the annual plant is cultivated causes it to shoot into luxuriant branches which do not produce a crop. In this comparison, however, the nature of the climate as to temperature, and the quantity and distribution of the moisture must be held in view.

7th. In estimating the amount of the several kinds of produce from the different soils the expenses of cultivation and the profits of the cultivator, many sources of error will have to be considered, and different statements will probably be furnished by the ryot, and the servants of the Collectors. To guard as much as possible against these, in addition to the abstract statements to be prepared from the whole of the documents, a copious selection of the original detailed statements will be given in an appendix, to each of which, such remarks as may appear necessary are to be annexed; regarding the source from whence the information was obtained, the degree of authority which they may appear to possess, when anomalous or contradictory statements occur their investigation will lead to the correction of the tables or to the elucidation of facts of importance.

As these statements will exhibit the various kinds of grain and other produce raised on different soils, and will embrace the result of unconnected enquiries made over the whole of this Presidency, it may be confidently expected that the documents, when subjected to the proposed scrutiny will afford data, from which the real profits of the occupiers of land may be more correctly estimated than has yet been done.

8th. Similar principles are to be attended to in the examination of the answers to the queries regarding coffee, senna, dye stuffs, &c.; and to prevent the misapplication of capital or enterprise that might be more advantageously employed, it will be useful to record such facts as may appear to shew that any article, supposed to deserve attention in commerce, is not likely to succeed, either for some defects in its quality, or the expense and difficulty of producing it in sufficient quantity and of good quality.

9th. It has long been considered of great importance to ascertain the causes on which the remarkable difference in the quality of the cattle of different provinces under this Presidency depends, with a view to their improvement in these districts in which the climate and soil are not unfavorable; and to their preservation in seasons of drought, which are of such frequent occurrence and, under the present management, so destructive to agricultural stock of all kinds. A careful comparison of the information contained in the reports, with the specimens furnished by the Collectors, of the most remarkable grasses and other plants used as food for cattle, cannot fail to lead to some important general conclusions of a practical kind.

10th. For a full illustration of the subject, it will be necessary to ascertain the scientific names and characters of the various plants, with the native names by which they are familiarly known in different provinces, their qualities as stated by the ryots, and the soils in which they are found to thrive. It will be convenient to give this detailed information in a separate report, to be accompanied with drawings of the most valuable plants, which if thought expedient, may hereafter be lithographed for general use, and to enable those ignorant of botanical science to prosecute the enquiry.

11th. The districts in which the proposed enquiries are to be conducted, contain several ranges of hills of great elevation and possessing many natural advantages for the cultivation of other valuable productions, besides those above adverted to, a scientific examination of which, would develop their capabilities to furnish additional articles of commercial importance, and by increasing the general resources of the country, indirectly promote the cultivation of the finer kinds of cotton, tobacco, &c.; of these the Cortallum and Pulney hills appear to afford the greatest facilities for successfully prosecuting the enquiries referred to in the preceding paragraphs, as their examination can be conducted at the same time, with those relating to the cultivation of cotton, tobacco, &c. on the plains.

12th. The principal objects to be attended in this survey are the history of the spice gardens of Cortallum and the probability of these valuable productions being profitably cultivated in that soil and climate; the facilities for the production of sugar in the neighbourhood of Bulsumdrum and other places in the Pulney hills, where it has long been raised with success for the supply of the neighbouring country; and the measures necessary to improve the quality of the cane and to introduce more productive varieties, such as that of the South Seas. Attention should also be paid to the manufacture of saltpetre carried on in the same neighbourhood; the facilities for the growth of coffee on the hills; the quality of the hill pastures resorted to by the ryots of Madura, and the character of the more valuable breeds of cattle

brought to Pulney for sale from Dorpoory and other places; and the state of agriculture generally in the neighbourhood and on the hills, with the probability of the successful culture of the productions of colder climates, such as tea, madder, cinchona, &c. on the more elevated tracts where wheat, and flax are now grown. The characters and qualities of the timber trees with which the hills are covered, and the facilities of turning them to account are also to be ascertained by personal enquiry, and by collecting specimens of the woods, for examination by the superintendent of the Gun Carriage Manufactory or other competent judges. Should any woods not generally known, and having valuable qualities not possessed by others found in India, be discovered, drawings should be made of the trees, and the native and scientific names and characters detailed.

13th. The examination of this object of immediate utility will afford opportunities for the investigation of others of a more speculative character, but bearing more or less directly on questions of practical interest. It is only requisite to refer to the important additions to science, particularly to geographical botany on which success in experimental husbandry in a great measure depends, that will result from the examination, in detail, of the geological structure and of the climate, (as ascertained from meteorological observations, and an examination of the distribution of various

families of plants,) of a district of a moderate extent and well defined geographical limits; in which the transition from the vegetable forms characteristic of the plains of the Carnatic, to those found at great elevations or in more temperate climates, can be conveniently observed.

14th. This information is the more desirable as the state of the atmosphere and the specific effects of each variety of soil and climate as modified by elevation or other local causes or vegetation and the productions that may be profitably raised on the hill ranges of the Peninsula, cannot be inferred from the observations made in those of Hindoostan, which from their higher latitude enjoy two seasons, during one of which European and during the other tropical plants can be cultivated.

15th. The prosecution of these enquiries, however, is not to interfere with the earliest practicable completion of the examination and condensation of the important information contained in the reports of the Revenue Officers and to be collected by a personal examination of the cotton districts of Tinnevely and Coimbatore.

(A true Extract.)

(Signed) H. Y. CHAMIER, *Chief Secretary.*

*Fort St. George Gazette.*]

## PRISON DISCIPLINE.

The subject of Prison Discipline has been raised by the improved spirit of the age to the dignity of a science. In ancient times the torment of the offender was the first end of Criminal Law; the means by which it was attained were simple, and required the exercise of no ingenuity but that of cruelty. In our days it has been admitted among established principles that the reformation of the culprit, and the benefit of the community are the chief objects of punishment. Having adopted this enlarged principle, we require a combination of skill, experience and judgment to work it into practice. The internal economy of jails, which was formerly abandoned to the hard-hearted jailor, has now become an object of national investigation, and some of the ablest minds in Europe and America have been for a considerable time employed in maturing an enlightened system of Prison Discipline. The feeling which pervades the European world on this subject has spread to the shores of India, and our local Government, anxious to keep abreast of the civilized communities in England and America, have appointed a Committee composed of some of the most eminent characters in India, to examine the subject and to offer such suggestions of improvement, as may bring

the penal arrangements of this Government, in correspondence with the economy now adopted at home. We trust the result of their labours will speedily be laid before the public, and that we shall be enabled at no distant period to resume the subject.

We learn that the condition and arrangements of the Allipore jail are now under the consideration of Government. In the year 1808, as may be seen in the public documents, Mr. G. D. Guthrie, the Superintendent of Police, proposed to Government the following arrangements regarding this jail.

"That a jail be erected in the immediate vicinity of Calcutta for the reception of all persons sentenced to imprisonment and hard labour for any considerable period of time, in the different Mofussil Zillahs.

"That a spacious area be attached to the jail calculated to admit of the prisoner being employed in preparing *soorky, khoa*, and *such other suitable labour as they may be required to perform*. The chief advantages which I anticipate from the adoption of this plan is, in respect to the punishment of the delinquent which may be

strictly enforced, because, as the kind of labour in which it is proposed to employ the convicts, will admit of the labour imposed on each person respectively, being proportioned to his ability to permit, he can be compelled to execute his task, and as that being accomplished, he will be permitted to leave off work, any undue severity on the part of the overseers will be effectually prevented. The task assigned, may be more or less heavy as the circumstances, and behaviour of the prisoners render necessary or proper.

"The chief end of the criminal law, viz., the punishment of the delinquent, being thus insured, I am of opinion, that the result of the proposed plan, considered with a view to "example," for which it is the next object of the law to provide, is likely to produce superior advantage, as it may be expected that the impression with which the convicts will leave jail, will not only withhold them from the repetition of crime, but that the reports they will carry with them to the different parts of the country to which they belong, of the hardships they had experienced during their imprisonment, will be the means of deterring the evil inclined from the commission of acts that may reduce them to the same predicament, whereas, at present the constant exhibition of the convicts on the public roads, especially as they do not appear to suffer any other hardship than that of being in chains, has, I conceive, an opposite tendency in the way of example, for it is well known, that even capital punishments lose the effect of inspiring terror in proportion as they become more common, and at last are looked upon merely as common occurrences.

"The further advantage which I conceive will result from the proposed plan are secondary to those already mentioned, and chiefly respect the convenience of Government; they are as follow :—

"1. By collecting together the convicts in the vicinity of Calcutta as soon after they receive sentence as possible, they will be ready for transportation whenever opportunities occur of conveying them to Fort Malborough, or to Prince of Wales' Island.

"2. The escape of prisoners and particularly of the most dangerous description, which so frequently occurs at present at the different jails, will be effectively prevented.

"3. A constant supply of the necessary articles of *khoa*, *soorky*, and *brick-dust*, for the repair of the roads, and other public works which is now purchased by Government at a heavy expense, will be prepared by the convicts, and it is certain, that the produce of their labour, may be made fully adequate to the reimbursement of Government in the expense of their maintenance.

"4. The jail being in the vicinity of Calcutta, the guards can be more frequently relieved than in the interior of the country, which

will preclude all improper communication between the sepoy and the prisoners, and, as the Mofussil jails will be relieved from the most dangerous prisoners immediately after they receive sentence, the number of the guards now required there may be reduced.

"5. A reduction may, by these means, be eventually effected in the expense at present incurred in the erection of Jails in the interior of the country."

In consequence of the great outlay which was likely to be incurred in the first instance, the plan was not fully acted upon. The present jail, however, is still the receptacle of prisoners from the various districts, and it is to this place that the Thugs, who though convicted, have not been executed, are sent. It contains from ten to twelve hundred prisoners, many of them the most desperate characters in India, to whom crime is become a habit. In this jail there is no farther classification of prisoners than that the Thugs are separated from the rest. Those who have been convicted of the most ignominious offences, are confined in the same chamber with those who are charged with less heinous offences; the most hardened have thus an opportunity which they seldom neglect, of bringing all down to the level of their own vice.

It is among the fundamental principles of prison discipline that the prisoners shall provide the means of their support from their own labour. Whether the object of confining them be their improvement or their punishment, this principle is equally essential to success. It is clearly recognized in Mr. Guthrie's paper, in which he says, that the produce of their labour may be made fully adequate to the reimbursement of Government in the expense of their maintenance. But this important principle has been completely overlooked for many years in the management of this Jail. The only labour to which the prisoners are subject is the spinning of twine, which is subsequently made up into gunny bags. This labour is so light that the day's task is usually completed before mid-day, after which these convicted felons have the whole time for the indulgence of that indolent repose, that *dolce for niente*, in which consists the heaven of a native's existence. The criminals whose crimes have rendered them unfit to associate with human society, are thus shut up in a comfortable lodging, comfortably clothed in winter and summer, comfortably fed without toil, and with very little spinning and subject to none of the anxieties or vicissitudes which embitter life;—and this is called *punishment*! They are thus lodged, fed, and clothed at the expense of the industrious community. After having preyed on the peace and comfort of society abroad they are locked up for life to prey on the public revenue. Their support costs the public at the lowest computation, from 36 to 40,000 rupees a year. Their labour yields 2,500 rupees. An attempt was made by the late Mr. Richardson to increase their productive labour, and they barbarously

put him to death in the precincts of the prison and from that day to the present the attempt to make them support themselves has been dropped, and they have enjoyed the desired immunity from all toil, but such as gives additional relish to pleasure.

The first reform therefore which ought to be introduced into this establishment, and prosecuted with a degree of vigor becoming the British character is, that the criminals shall support themselves. If it be the rule of Holy Scripture, given generally to all mankind, that if any will not work, neither shall he eat, it becomes not a Christian Government to create an exemption in favor of the most abandoned part of society. There is no want of objects to which the labour of the criminals may be profitably applied. To a man of any observation and spirit, a hundred branches of industrious labour will suggest themselves, by which men constrained to work eight or ten hours a day, may amply provide the expenditure incurred in their keeping.

We have heard a faint whisper that it has been represented to Government, that these men are desperate villains, very much inclined to indolence and very averse to work; that they have already murdered one Civilian who attempted to constrain them to work, and may attempt the life of another; and that the safest plan is to abolish the jail, and transport the felons beyond seas. Would not this be, to use a vulgar saying to "jump out of the frying pan into the fire?" The objection to the present system of discipline in the Alipore Jail is, that the public funds are charged heavily with the support of able bodied men who might support themselves, but do not. Would the expense of these felons be lightened by transporting them? Even supposing them to be conveyed to the penal settlements without any enormous expenditure, would not their expenses at Penang, Malacca, and Singapore, places beyond the vigilant eye of Government, greatly exceed that of their board at Allipore, where the monthly charge is subject to a monthly revision? For the few felons in exile at the three places above named, the Government outlay is already great; we have heard it stated at 25,000 rupees a year. It is certain that the expense of a felon beyond seas must be greater than incurred by keeping him in Bengal, while the chance of relieving that expenditure by the product of his labour must be proportionately less. If it be a fact that such a proposal has been gravely made to Government, we trust they will turn a deaf ear to such chicken-hearted advice. Should it be adopted, it will be tantamount to charging the public funds with a heavier expenditure than some of the public functionaries may be relieved from that attention and labour, for which they are amply paid. The most judicious, and at the same time the most courageous plan would be, to keep the prisoners where they are, to classify them according to their guilt; and to constrain them to labour as many hours in the day as shall yield a full equivalent for

their support. To make honest men labour that rogues may revel in indolence, is to reverse the order of society.—*Friend of India.*

We trust we shall be pardoned by those of our readers who do not feel any immediate interest in the subject, for devoting a large portion of our space to the consideration of the improvement practicable in the present system of jail discipline which we are sensible is a matter of the utmost importance to the country at large. We are extremely anxious that the fullest attention should now be given to it, because there appears to be a desire on the part of Government to obtain the fullest information regarding it, with a view to remedy the crying defects of the system now in practice.

The object of the Court of Directors in enquiring into the feasibility of introducing secondary punishments appears to be, to obtain some plan for lessening the great expenditure of the present establishments, if it be possible to do so without detriment to their efficiency. This, therefore, becomes in the consideration of the question a point of primary importance; but we confess that if this were the only object to be attained by a change, we should leave the matter entirely in the hands of those whose duty it is to be more zealous to see it secured. We trust, however, to make it apparent that not only may a saving be effected, but also that at the same time a great improvement may be produced in the whole system. The great use of punishment is the prevention of crime, and if the sufferings of the offender be of a nature to moral reformation in himself, the system by which these are obtained, must, apart from minor considerations, be as nearly perfect as can be desired. No proof is required of the utter inefficiency of that which now obtains for producing these great ends; and if there were a determination to extirpate the evils produced by it, the safest and most certain method of doing so would be at once to adopt the plan pursued in the penitentiaries of America and several parts of Europe. This, however, is impracticable as long as the immediate object of the Court of Directors is to lessen expense, for the erection of penitentiaries for about fourteen thousand prisoners would incur an outlay of money infinitely exceeding any value which the Honorable Court would allow to the moral improvement of the country. It is necessary therefore to ascertain some modification of the superior plan, by which the utmost good can be effected without sacrificing the approbation of those in whose hands the destinies of the country are placed.

We proceed briefly to notice the defects of our present system of Jail Discipline.

The first of these is the want of any inducement to reformation. The employment of the prisoners is rarely of a kind by which they can learn any thing that will be useful to them after their liberation, and the only effect of exposing them in irons on the roads is to render them

callous to feelings of shame and the reproaches of conscience, which even a long course of crime cannot always silence. The most determined offender, is anxious to conceal his iniquity, and when detection follows a crime his sorest punishment is exposure; but when actually exposed he feels that his better principles are unable to support him in the trial, and when his mind glances through the vista of futurity, he sees a long career of shame, to which renewed crime can add no ignomy. He becomes hardened in his disgrace when he can call upon no incentive to a better life, and with the recklessness that is the courage of despair, he says "Evil be thou my good."

The next defect we have to notice is the indiscriminate association of the prisoners in jail. Many a man is condemned to imprisonment during a long term, for an action to which he was guided by some sudden impulse at variance with the former motives and feelings of his life. Such a man is not altogether lost, and if left to his own conscience, night afterwards live more worthily than another who had never fallen. But exposure on the roads, and being associated with others who make a trade of crime, reduce him to a level with the worst characters in the catalogue of guilt. He hears them recount "the dangers they had passed;" becomes interested in the narratives of their exploits; and learns at last to think, when the feelings of remorse are subdued, that there are joys even in the life of a criminal. He is then irreclaimable. He looks forward to the time of his liberation, as the era when he may emulate the bravery of his associations, "who coolly talk although they talk of blood." Another evil which a want of classification in our jails gives rise to, is the means by which determined rogues can enter upon new associations, establishing a wide system of co-operation which renders detection the more difficult. A jail thus becomes a great school of iniquity, instead of being a "moral hospital."

The next defect is the imperfect superintendence of the jails, and the lax manner of enforcing the rules. In the "*Miseries of human life*" the author emphatically condenses a long list of miseries in one word—SERVANTS. We may follow his example and explain the whole cause of this defect by directing attention to the NATIVE superintendents.

Another blot in the system is owing to the convicts being allowed many unmerited indulgences. The visits of friends and relatives, the payment of money and the supply of personal comforts superior to those which an honest laborer can obtain by his industry; the ability to purchase from his guards exemption from labor; the time allowed to him for cooking and even amusement, and many other indulgences, enable the convict who has successfully combated his feelings of remorse, to experience a degree of enjoyment which makes a jail a place of comfort, in consequence of which he feels no dread, should his inclination or his failure in a more profitable line of life, cause his return to it.

We might have detailed these defects to much greater extent, and by so doing have shewn more palpably the utter inefficiency of the whole system, but we believe the fact is very generally admitted, and we have not time to force a conviction on the few sceptics, if any scepticism on the subject does really exist. We proceed therefore now to consider the best means of remedying the evils pointed out. We premise that the following points are essential.

1. That the discipline of a prison should be sufficiently terrific to deter men from crime.

2. That the punishment inflicted on an offender should be calculated to create and fix habits of industry and good conduct.

To secure these ends it will be necessary to make the penalty of crime as irksome as justice will permit, without those barbarities that shock humanity, and create feelings of commiseration for the suffering of the felon. It has been proved that no punishment has greater effect than solitary confinement in darkness.

This therefore should be the greatest punishment, and to this every offender should be subjected after conviction till every obstinate feeling is broken down. It is well known that the most hardened disposition cannot long endure this kind of discipline; and employment however tedious, or however severe, will be craved as a blessing. The next degree of punishment should be solitary confinement with task labor and the enjoyment of sufficient light for the work. The quantity of labor should be increased as the prisoner becomes expert at his employment, and he should be compelled to do a certain quantity before being supplied with each meal. To prevent any unwillingness to learn the task, a reasonable time should be fixed for its acquirement, and a failure in the fulfilment of the conditions, should subject the offender to a return to the dark cell. After the second stage of probation has wrought its full effect, the prisoner may be allowed that exercise of which he must still feel the want; but it should not be recreative exercise; it must be a *punishment*, although a relaxation of the previous inflictions. The best plan that occurs is to give the prisoner exercise on the tread-mill for one hour in the morning and one in the evening. He would then besides having a healthful employment which would serve as a relief from his sedentary occupations during the rest of his time, be associated with fellow men; but all should be compelled to observe the strictest silence. When the moral patient has shewn signs in this stage of returning convalescence, he might be admitted into the workhouse, when some useful and profitable employment would be given to him. If instructed he should be taught, and a sufficient quantity of labor should be exacted from him. As he becomes expert he will be able to perform a greater quantity of work, and as an inducement to application to his employment, all that he does above the required quantity, should be credited to him as earnings on his own account, to be applied either for the support of his family, or kept for him till the

expiration of the term of sentence. Should he behave without incurring disapprobation he should be allowed an occasional visit from, and conversation with, one or more of his family or friends, according to his merits. Any obstinacy or other fault should subject him to be returned to the discipline from which he last earned exemption.

It will be observed that the whole of this plan holds out in every stage an inducement to advance in industry, with the constant liability to punishments already experienced to be less bearable than those in which an offence may be committed. Besides the growing indulgences pointed out, others might with propriety be permitted such as better food in each stage, more comfortable clothing, and any other of an equally unexceptionable nature.

It would be necessary to select such work for the convicts as would best repay the expenses of the establishment. Weaving of cotton cloth, settrinees and carpets; embroidery; the manufacture of rope, hookah snakes, and hard-ware; and a number of other employments would be profitable. The solitary prisoners might card cotton, spin and prepare materials for the work shop. The most tractable of the prisoners might be permitted, according to their caste, to cook for the others;—of course the present mode of allowing each man to cook for himself could not be allowed, and the raw provisions should be supplied from the establishment daily.

European superintendence is absolutely indispensable. Were we assured that expense would be no impediment, we would suggest that there should be seven great prisons in the Western provinces, one in each division, subdivided so as to allow a separate building for each zillah. To each of these subdivisions we would recommend that a European superintendent be appointed with one general overseer. But this would require a large expenditure, and there is no change of such a measure being sanctioned.

At present a large outlay is required for the native establishments, and as the burkundazes who accompany the convicts on the roads might be dispensed with, and other reductions might be made, a sufficient sum might be obtained to pay a European superintendent for the jail of each zillah. These superintendents might be selected from the European soldiery, amongst whom many intelligent and respectable men are to be found and the habits of discipline which such men have acquired would form an important recommendation for their appointment. A chief superintendent on a liberal salary should be appointed to organize the whole plan, and to journey from station to station to keep it in a state of efficiency.

We shall not at present state our opinion of the best plan for the jail buildings, but may do so on a future occasion. It is however proper to observe that the present jails may answer tolerably for the purpose required.

Some of the wards may be fitted up as dark cells, others by slight additions will answer for places for solitary labor; and open sheds in the jail compounds of cheap construction will serve to carry on the business of the workshop. All the new walls in the interior of the present jails may be of mud, which is known to be very secure, and as each prisoner would have his own cell, no one would dare to break from his confinement. Even if any one should have the temerity to do so, he would still have all the obstacles to encounter by which his escape is now prevented.

The rigid enforcement of the rules required under this system, would make the punishments of convicts ten-fold more severe than those now inflicted; and it would rest with the Sudder Court to reduce the term of imprisonment contemplated by the sentences yet unexpired. At any rate the periods might be reduced one half, and accordingly the jails would be cleared of the present inmates in one half of the time that remains to complete the the periods of sentences yet unexpired. In a few years, even if no reduction of crime took place, there would not be more at a time than a third of the present number of prisoners in all the criminal jails. But a still greater reduction must take place when a system of punishment is adopted, that is calculated to keep honest men from evil and reform those already depraved.—*Central Free Press*.

The appointment of a Committee, consisting of some of the ablest local functionaries, to examine and report on the subject of Prison Discipline in this country, is one of the tokens of advance of feeling regarding the improvement of India. It has already we perceive aroused the attention of those whose experience enables them to furnish information; and there can be no doubt that the prisons of the country will now be subjected to a salutary reform. A letter has just appeared on this subject in the *Central Free Press*, which we have been particularly requested to republish and which will be found in another page. We have gone over it with much attention and profit, and can assure the reader, that he will be amply rewarded by the perusal of it. The writer appears to possess not only a practical acquaintance with the present system, but also a warm desire for its improvement; and he is peculiarly anxious that the Indian Government should give this country the benefit of those experiments which have been so successfully prosecuted in America. We need not apologize for making that letter the basis of the brief remarks which we propose to offer.

The plan now pursued in India in the punishment of convicts is to fetter their legs, and set them to work on the roads. To this mode of treatment many objections have been raised which seem to carry much weight. The object now aimed at is two-fold, the punishment of the offender, and the diminution of the charge of his keeping to the state; but neither of these objects is efficiently secured. To

those who are at all hardened in vice labour under these circumstances is no punishment; beyond the feeling of disgrace there is nothing which occasions them the least anxiety. That feeling once blunted, this mode of life loses all its terror, and presents many attractions. The convicts are regularly fed and clothed, and have comparatively very light work to perform; light at least when compared with the labour and anxiety to which they would be subject, if they had to provide for their own support. Next to the luxury of doing nothing, the highest enjoyment of a native is to talk about nothing; and for this the convicts have ample leisure and opportunities. They form a large society, their habits are congenial, and their mutual intercourse is cheerful. No body of men in fact appear to be less the victims of sorrow than the convicts. At particular seasons of the year, there may, through the inclemency of the elements, be some severity in their labour; but on the whole there is a large balance to the credit of pleasure. If, therefore, the object of sentencing men to work on the roads be simple punishment, that object is defeated, for it is no punishment at all to the great majority of them. As it regards the remuneration obtained from their labour which is placed against their maintenance, we think it will be found, that the present system, is the most expensive as it regards the construction and repair of roads, and the least productive as it regards the product of convict labour. The convicts have no assigned task on the roads, which it would require many hours of uninterrupted labour to execute; and if "tasks" are ever marked out, the venal overseers with whom they are always on terms of good fellowship, have little disposition to enforce them. It would, we are convinced, be found far more economical to set the convicts to hard task work in the prison—making their meals dependent on its completion,—and to sell the produce of their labour in the market, and apply the value to the formation and repair of roads, by free labour, on contract. Then as to the reformation of the prisoner, the present system does not even embrace it: the convict consequently leaves jail when his time is expired more hardened than when he entered it. Those who are young in crime, those herded with more finished villains, are soon brought to the same maturity of vice, and during this period of their noviciate, lose all feeling of remorse, and are fully prepared to become professional depredators when liberated. Not to add that men who have been exposed to work on the roads, and who carry on their ankles the ineffaceable marks of infamy, become reckless about their future course, knowing that their character is for ever compromised, and that for the rest of their lives they must continue to hang loose on society.

The American system of Penitentiaries which combines solitary confinement with uninterrupted labour, possesses the three advantages which are wanting in our system. *First*, the confinement is real punishment, and is felt as such by the prisoner. There is no convict who would not willingly exchange the punishment of being immured in a solitary cell, for even

fourteen years labour on the roads amidst the cheerfulness of natural scenery. The period of confinement is one of unrelieved anguish; it leaves an impression on the mind which no subsequent occurrence can efface; and is of itself sufficient to deter the prisoner, when liberated, from the commission of crimes which might subject him to a repetition of it. It is no small praise of the American system that it provides a species of punishment, brief in duration, but so salutary in its effects, that the remembrance of it becomes the most effectual security for future good behaviour. *Secondly*, the reformation of the culprit is promoted, if not secured, by the solitude of his situation, the reflections to which it gives birth, and by the moral instruction with which it is accompanied. Even where circumstances, as in this country, make it difficult to enforce religious truth on men professing idolatry, yet, the solitude and the reflection must tend in no small degree to produce a certain reformation of habits. At all events it is certainly preferable to the mode adopted in India at present; for it is undeniable that with us the convict, after seven years' labour on the roads, is a more hardened character than when his punishment began, while it is equally certain, that the general influence of the system of solitary confinement, must be to restore the culprit to society, with a tone of more subdued feeling. *Thirdly*. On the score of expense, the American penitentiaries have vastly the advantage over the system of public labour on the highways in India. The prisoners in America are actually a gain to the state instead of being a burden to it. This is to be sure carrying the system to a length which cannot be excused, except in a country so purely commercial. If the labour of the convicts produces a sum equal to that which their maintenance costs, every desirable object is secured.

The question that remains for consideration is, how the system of American Penitentiaries can be introduced into this country; and here two obstacles appear in the way. The first is the expense to which Government would be subjected in building sufficiently capacious prisons to admit of each prisoner's having a cell to himself. Though the expense of erecting them would not by any means be equal to that incurred in America—the Penitentiary at Cherry Hill, near Philadelphia with 262 cells, cost 432,000 dollars—yet under existing circumstances it would form a very serious consideration. The "Friend to Improvement," to whose letter we have before alluded, has drawn up estimates on this subject, which, though of course open to revision, appear greatly to lessen the magnitude of this obstacle. He seems to think that an adequate number of cells might be built from the savings of a single year, upon the new plan. We recommend his calculations to the special attention of our readers.

The second, and we think by far the more serious, obstacle to the adoption of the American system of Penitentiaries, is the difficulty of rendering it efficient under the native agency



which must be employed. The native overseers would necessarily be venal; and no dependence could be placed for a moment on their vigilance. For a trifling douceur, or even through the carelessness of their natural disposition, they would allow the prisoners to hold mutual communication;—but solitude is the soul of the system. If any plan could be adopted, by which European overseers should be substituted for native agents, we think the introduction of the system quite feasible in India. Perhaps, the augmented produce of convict labour under a new arrangement, might be found sufficient to secure the superintendence of Europeans without any burden to the state.—*Friend of India.*

I read with much pleasure your late editorial upon jails. Now that a committee composed of so much talent and experience has been appointed to devise a system for Indian Prisons, we may look forward with proud confidence that such a body of British Legislators, will not yield the palm to America, but do honour to themselves, and to their country in exhibiting the penitentiaries of *British India* as inferior to none in the world. Why should they be inferior? when there is the recorded experience of American prisons, the failures to avoid, the models to follow? Let us hope, that the labours of the Committee will ere long make *India* celebrated for her penitentiaries!

Being myself daily amongst prisoners, and engaged in devising schemes of labour, improvement and reformation, perhaps I may the more readily be pardoned for offering a few observations upon the subject.

Whilst prisoners are *herded together*, either inside or outside of the jail, at work, or at rest, *mutual corruption* appears to be the inevitable consequence. It may be truly said of convicts thus treated, "*Their consciences are seared as with a hot iron.*"

To enforce universal silence, as in America, would be a great improvement, would in a great measure prevent corruption, and would be a punishment; but, as water through the seams, so is talk from the mouths of men. The silent system has been ordered in the jail here, but I fear in vain! the talking continues still. It seems almost impossible to get native superintendents, who will take the trouble to carry this into effect.

It would appear that when men know the extent of their punishment, and have got over the first impressions of disgrace from irons and imprisonment, they become greatly reconciled to the jail, and do not much feel it as a punishment; nay, in this jail, and in another, which I lately visited (in both of which there is no inconvenience from crowding) the prisoners seem quite comfortable—well clad and well fed, and the more so, in this jail, from the work, which they are required to perform. For it seems a principle of human nature that the mind is more happy when employed than when entirely idle.

In a penitentiary *Repentance*, "*Tobak*" should be a predominant feeling. In labour by gangs, on the high roads, under sun and rain, there may perhaps be suffering, but it is accompanied by one of the greatest evils to which a wretched mortal can in this world be exposed, *the seared conscience*. Now, no Government is justified in exposing to (might it not almost be added in inflicting on) its erring subjects, a cause so withering as this, especially, when its unhappy victims, in all probability, when *utterly ruined* in character, deserted by friends, callous, released from moral restraint, sullen, and *school-ed in iniquity*, are to be set loose to prey upon the people, and in desperation to practise the catalogue of vices they have so long been taught by their constant and familiar association with the blackest characters in jails, and in the gangs at work upon the roads.

What system is then to be devised, which shall at once *punish and reform offenders*? The American penitentiaries have discovered the secret. It is at once *simple, severe, and efficient*, namely, total seclusion with labour and moral instruction, by confinement of each prisoner in his solitary cell. When in silence (and if necessary *darkness*) where no voice is heard, save "*The still small voice*," of a reproving conscience, or that of moral instruction, he is subdued, the most stubborn spirit here must yield, such treatment cannot be braved. It combines at once, *simplicity and severity* and may we not hope *repentance*, which is ever akin to *reformation*.

In the jail here the effect of the *solitary confinement*, has lately been tried upon two men, both of them murderers. One an unruly rebellious character, who regardless of double irons, still broke out into violence. He was sent to a solitary cell, nearly dark, and now he is *subdued*, and with his forehead on the ground pleads to be restored to his usual prison, so humbly as to move one to compassion even for him.

Another murderer was also sent to a cell, and so affected was he by the *gloom* and *utter solitude*, and so piteous was his appeal for release, that fearing injury to his health, (for he had no work to relieve his mind,) he was restored to his former place of confinement.

These circumstances are mentioned, to shew that *Natives*, who are all accustomed to live so constantly in company, feel solitary confinement to be a severe punishment.

But as I believe it has been found in American Prison Auburn, that entire solitary confinement *without labour* is injurious to the mental faculties of the prisoners, *task work* as in the celebrated Pennsylvania Penitentiary should be supplied to each prisoner.

A cure will be found to *idleness* or *carelessness* in performing the required quantity of work, by depriving the prisoner both of *work and light* for a few days. No work, no light!—In all this there is nothing, as in flogging and compulsory labour under the rattan system to rouse *hatred* and the *rebellious passions* into sullen *opposition*. It is a calm and reasonable

punishment, which instead of producing *reaction* is calculated to turn its full force inwards.

A body of prisoners thus diligently employed in task work, may be expected to defray the expenses of the jail.

Various employments could be given to them. One may be mentioned; the manufacture of *newar* (a broad coarse tape, like girthing) which every prisoner could be taught to make in a few hours, the threads being previously arranged for him. There are several prisoners here, who have been thus taught a certain number of yards of this (say 35 daily) requiring *diligence* to complete it, might be demanded from each.

In short it is impossible to read the account of the Pennsylvanian prison without arriving at the conviction that solitary confinement with labour is the best system of discipline.

But then comes the important question, can the Government afford to build solitary cells? The difficulty appears at first considerable. It seems however capable of proof that the *savings* from the new system will more than meet the expense of building the cells, for the new system when adopted, will probably diminish the number of convicts by *one half*.

*Twelve months' or two years' confinement* (not to speak of *seven and fourteen years*) is now very common, but *solitary confinement* for that period would be a *most severe punishment, one half* the time in a *solitary cell* would surely be an ample equivalent.

There are now in the Bengal and Agra Presidency about 30,000 convicts; the new system would therefore ere many years, most probably lessen that number by 15,000 prisoners; the *feeding, clothing, guarding, and housing* of this *army of 15,000 convicts*, would be a *clear saving* to Government, from which saving solitary cells could be built.

In this estimate, no allowance has been made for the convicts for life, but may it not be expected that the reductions of recommitments from the improved system, will still keep down the number to one half.

Let a rough calculation be made: two rupees eight annas a month for each prisoner seems the least for which he can be *fed, clothed, housed and guarded*—this for 15,000 convicts would give a saving of 37,500 rupees a month, or 4,50,000 a year! being in 5 years 22,50,000 rupees saved for building cells.

To convert the *present jails* into solitary cells, would seem *most easy*. Let us see how very small a portion of the savings is needed to build the remaining 15,000 cells. I have lately inspected for the purpose of ascertaining the practicability of dividing it into cells, one of the largest jails in India. It is divided into broad wards, or barracks, 62 feet long, 16 feet broad, and 18 feet high, and each contains two rows of prisoners, their heads to the walls, and feet towards the centre. Now would it not be the most simple matter to divide each of these barracks into solitary cells,

merely (by the labour of the prisoners) by *inexpensive mud walls*, 10 or 12 feet high (they need not reach the roof) one wall running down the centre of the barrack, and the other *cross walls* from it dividing the whole into cells of 4 or 4½ feet broad, and seven feet long.

The cells (it is presumed) will have abundance of air from the grating over the door, and from the roof, as none of the division walls need reach the roof, or be higher than 10 or 12 feet, having a *free open space* above for the circulation of air, perforations under the door to admit air, but not light, would ensure fresh air.

This openness of the cells at the roof, will of course enable the prisoners to speak occasionally to their neighbours; but then it must be *so loud* that the sentinel will hear and check it, and there will be little inducement to talk to beings in the next cells, *whom they have never seen*.

Darkness, when required for a few days as a punishment, can be secured by inexpensive purdahs. A few would suffice for the whole jail. Where greater security is required for particular convicts, the walls can be continued to the roof, each prisoner may, also as now, be chained to his cell by the leg.

In each door a small opening would be required to admit the prisoner's food. It should shut of itself by a latch, which could only be opened from the outside; by this opening the keepers could inspect the prisoners.

Cleanliness can easily be preserved without the necessity of opening the door, or any other preparation than in each cell, an aperture under each door.

Natives will probably not suffer in health from this confinement, at least for 6 or 12 months; but if the Surgeon recommends exercise for any, they can be worked in the tread wheel at discretion. As this will be a pleasure to them (compared with solitude) and moreover expose them to the view of their fellow prisoners, this deviation from solitary confinement will be an evil.

A very rough calculation is here ventured to form some idea of how many cells in addition to the present buildings will be required. On the present system allowing 3 feet for each of the 30,000 prisoners (close enough packing, in the hot weather) this will give 30,000 by 3 feet, 90,000 feet for the whole. But in the cell system, 5 feet will be required for each prisoner, namely, four for the cell and one for the wall. The supposed present number of feet therefore 90,000 divided by 5 feet for each prisoner, will accommodate 18,000 prisoners.

But as before observed, it is supposed that the solitary cell system will in a few years reduce the number of prisoners from 30,000 to 15,000; now the accommodation by the above calculation is enough for 18,000. Hence there would be more than room for the cells of the 15,000 in the *present buildings*.

This calculation seems too favourable, leaving no difficulties in the way of constructing solitary cells, but rather a great saving to Government; let us therefore suppose the case to be worse and that the present extent of jail accommodation is far less than has been assumed, and that the 30,000 prisoners are now crammed into the space of only 2 feet for each man. This instead of the former 90,000 feet would give only 60,000 feet, in the present buildings, and again, instead of calculating upon small cells at 5 feet each in breadth, including the walls, allow the more ample breadth of 6 feet for each, then the 60,000 feet divided by 6 feet would give accommodation to 10,000 prisoners under the present roofs leaving additional cells to be built for 5,000 prisoners to complete the supposed 15,000 prisoners.

The building of them would seem to be a very simple matter, as the expense would be defrayed from the savings of a few months.

There is abundance of room in each jail for more cells. The outer walls, usually a good way apart from the prison wards (in some jails there are two walls) generally stand alone, having no buildings attached to them. Along these walls still inside the jail the additional cells (if any be really required) can be built by the simple addition of a pukka roof and mud inner and partition walls, all built by the prisoners themselves, and for each there would be required a door and a grating to admit air and light.

Let us now roughly calculate the cost of the 5,000 new cells, which at the most would appear necessary.

Beams for roof, a door and grating, with padlock and carpenter's work and wages, .....	Rs 15
Masons and coolies' wages, .....	5
Total for each cell, made by hired labour and not by prisoners, .....	20
Total for 5,000 additional cells, ....	1,00,000
And for the 10,000 men to be accommodated under the present roofs, the doors being now 16 feet a part, 8,000 additional doors and gratings will be needed, this at 6 Rs. for each door, grating and padlock, would be rupees, .....	48,000
Add mud walls for each of the 10,000 cells under the present roofs, at 3 rupees each cell, .....	30,000

Total, supposed expense for building cells, .....

But by the former calculation the reduction of 15,000 prisoners gave a saving to Government of Rs. 37,500 a month, so that the cells might perhaps be built for less than one year's savings, and the residue of savings even afterwards be carried as a clear gain to the account of Government.

These are the most crude calculations, and will probably all prove very far wide of the mark; but they may perhaps lead others to make a more correct estimate.

Were the Secretary to the Military Board requested to call upon the executive officers of divisions who are in charge of the various jail buildings to send the requisite information, a tabular form somewhat in this shape would speedily shew at a glance the real state of the case.

Tabular form shewing how many Prisoners can be accommodated in the various jails of the Presidencies of Bengal and Agra.

Names of jails.	No. of prisoners which can now be accommodated at 3 feet for each prisoner.	No. which could be accommodated, were the wards made into cells 4 feet broad inside.	No. of additional cells required to accommodate half the present number of
Delhi.			
Agra.			
Meerut.			
Bareilly.			
Allyghur.			
Moradabad.			
Furruckabad, &c			
	Total accommodation for prisoners without cells in all the jails.	Total room for cells in all the jails.	Total new cells required to be built in addition to the present buildings.

But this objection may be started, the prisoners are now usefully employed in making roads, to withdraw them would be a loss to the public; not so, we all know how very sluggish is the work of the prisoners out of doors; they would labour more profitably for the public, and the sale of their work would equally make the roads, and more speedily, were they diligently employed under a good control in producing daily the unfailling task work demanded from them in their solitary cells.

Besides, if it be allowed that to herd convicts together in gangs upon the roads, is in all probability to extinguish every remaining spark of honest or virtuous feeling, is to corrupt the principles and blacken the character, no state is justified in making roads of such precious materials as the consciences and morals of its subjects, more specially when roads can still be made by the money produced from the work done by those very convicts in their solitary cells.

Let any man put the case to himself; suppose he has a favourite son convicted by the laws of theft (perhaps the first offence) the state has a right to punish him, but has it the right to correct him, to chain him (for the convicts on the roads are chained together at nights) to a gang of the blackest characters, dacoits, thieves, and robbers? To knead him as it were, into the very leaven of villainy, so that he must become a part of the lump? The case is occurring every day, thousands

are thus treated and surely the sooner those associations of mutual corruption are broken up the better.

The following is an extract, regarding American prisons lately taken from the *Englishman*. "Three of these Penitentiaries\* containing an aggregate of 790 prisoners, yield an annual profit to the state of more than 16,000 dollars, and of another, it is said, that the keeper assumes the responsibility of supporting it, and receives the proceeds of the labour of the convicts, paying one half into the state treasury. For several years it has yielded several thousand dollars annually to be thus divided, and although the convicts are less

\* The exact system followed does not appear to be particularized.

than a hundred, the state has already received about ten thousand and five hundred dollars for its share of the profit.

The characteristics of our present shocking mismanagement of jails are *injudicious punishment, mental corruption and useless expense*, whereas the new system promises *severe salutary punishment, reform, economy, and even revenue*.

The high and talented names upon the Jail Committee warrant the confident expectation that we shall speedily see the Penitentiaries of British India justly become as celebrated as those of America.—A FRIEND TO IMPROVEMENT—*Correspondent of the Central Free Press. February, 1836.*

## THE INDUS.

Another interesting and valuable paper on the Indus will be found below. Though forwarded to us anonymously we believe we are indebted to Lieut. Carless, of the Indian Navy for it, and that it comprises most of the information of a popular nature, which was collected during the late survey of the Indus conducted under his immediate superintendence. The result of the survey may be briefly stated to be:—

1st.—The discovery that the Indus, instead of discharging itself by a number of mouths, is now confined in a great measure, if not entirely, to two; and that the remaining channels, which have been erroneously considered as outlets, although some, if not all, have been so at one period or another, are at present no longer so.

2dly.—That owing to the state of the navigable channels, no vessel drawing above 7 feet can now make use of them; and that this must continue to be the case until great changes take place; and

3dly.—That the river has been navigable for ships of a large class at no very remote period; the remains of such vessels being now visible in various directions in its neighbourhood.

What may be the precise causes of the rapid changes which have taken place in the Indus, Lieut. Carless does not attempt to decide; though it is evident from what he says, that allowing as much as possible for earthquakes, and especially the great one which led to the Ruin of Cutch, there is something peculiar about the river, or the country it passes through, which subjects it to greater changes than any other great stream of the kind; and that these changes probably have been constantly taking place from the most remote periods.

In this respect the result of his inquiries—for which we were in some measure prepared by Lieut. Burnes—has an important histo-

rical bearing; showing clearly the absurdity of attempting to fix upon situations adjoining the Indus, within the Delta at least, as the site of any of the events attending the progress of Alexander. Had this fact been known at an earlier period, it is curious to reflect upon the volumes of learned disquisition and conjecture which would have been spared. Dr. Vancent, at all events, would have been relieved from at least one half of the labours for which he is so celebrated.

It is, however, in a purely geographical point of view that Lieut. Carless's survey furnishes the greatest desideratum: and in that respect it cannot fail to rank high among the numerous benefits conferred upon geographical science by the service to which he belongs.

The survey has hitherto been carried on no further than Hyderabad; the lateness of the season having rendered it necessary to break it off some time since. It will, however, in the course of a few months, be recommended under all the advantages which vessels expressly constructed for the shoals and sandbanks of the Indus can afford; and we understand will be continued until every part of the river has been thoroughly explored.—*Bombay Courier.*

During the late surveys of the Indus, much additional information has been obtained respecting the mouth, and branches of this celebrated river. All those that are now open have been examined, and the extent to which they are navigable in the dry season ascertained. In the following account, a short description is given of their present state and the alterations they have undergone during the last half century, which have been much more extensive than is generally supposed.

Of the eleven large mouths the Phittie, Pyntianee, Jouah and Richel, belonging to

the Buggaur or right arm, and the Hujamree, Kedywaree, Kookewaree, Kaheer and Mull to the Setta or left arm. The remaining two, the Seer and Khoree, are the embouchures of the Punjaree and Fulailee, or eastern branches, which are primary offshoots from the great river thrown off above Tatta.

In the latter part of the last century the Richel gave egress to the waters of both arms; but in the changes that have since taken place, the branch that connected it with the Setta was destroyed, and scarcely a trace now remains to show that it once existed. At present, the Kookewaree is the grand embouchure of the Indus, through which the most considerable portion of its waters is discharged. It is called in the late maps the Gora, and that name, although now almost unknown to the inhabitants of the Delta, is still applied to it by the Cutch pilots, who were not aware of the alterations that have occurred on this unfrequented part of the coast. Within the last fifteen years the Gora mouth has been abandoned by the river, and its site is now occupied by an extensive swamp.

From the recent examinations, it has been ascertained that no communication exists between the Buggaur and Main river, a sand bank having accumulated at the confluence which is now 5 or 6 feet above the level of the water. In the branches diverging from that arm, the water is salt, and they can only be considered as inlets of the sea. The same may be said of the Punjaree and Fulailee; after the inundation has subsided those branches in many places dry up entirely, and they are besides closed by bunds thrown across above the seaport towns.

The Setta pursues the same course to the ocean as the great river from which it is supplied, and is in fact a continuation of it. In every part it preserves a similar magnitude and depth, and there is every reason to believe that it has been for a very long period, as it is now, the principal channel of the Indus. In its passage to the Sea it receives many local appellations, but it is best known to the natives of lower Sind as the Munnejah or Wanyanee. Of the four branches it sends off, the Suahn and Kedywaree are now the only two favored by the fresh water, or through which there is a communication with the main stream. The latter, however, can scarcely be considered a branch, for it is merely a shallow creek with a broad entrance thrown off by the Munnejah near its mouth. Both the Mintnee and Mull are impassable at the point where they quit the Setta, and nothing is now seen of these once noble rivers but two shallow rivulets, one of which you may step across and the other but a few yards broad.

Before the mouths of the Setta, a bank has been cast up by the violence of the tide which projects five miles from the coast, and extends along it fifteen. The immense flat occupies an area of above 60 square miles, and in many parts dries it half ebb. At the lowest state of the tide, the central parts are elevated 12

feet above the level of the Sea, and the beds of some of the channels from 3 to 4. Through those diverging from the Kookewaree mouth, the vast body of water issuing from the Munnejah river, rushes with great impetuosity; and in calm weather with a noise that is heard some distance. These channels then form, what may be termed rapids, and on the extreme edge of the bank terminate in a fall of about 12 inches. The water is perfectly fresh 6 or 7 miles from the land, and the Cutch boats when in want of a supply, sometimes anchor off them and fill their casks.

Outside the great bank, the Sea rises several feet higher than it does on the other parts of the Sind coast, and it is only from this circumstance that the Kookewaree mouth is accessible. Steamers drawing 7 feet can pass through it without difficulty and ascend the river to Hyderabad. Vessels of even a larger draught might be taken into the Munnejah. But for practical purposes the above ought not to be exceeded. From its mouth to Hyderabad there is not less than 9 or 10 feet in the shallowest part of the river, but the channels are extremely intricate and shift their position with extraordinary rapidity. The navigation of the Indus will always be tedious and difficult, but with flat bottomed vessels it cannot be considered dangerous.

The Hujamree or Seeahr river quits the Setta forty miles below Tatta, and pursuing a course to the W. S. W. falls into the Sea about 10 miles above the Kookewaree mouth. Of all the channels of the Delta it is the most intricate. In some places you do not advance in a direct line more than one mile in three, and the reaches turn back so directly upon each other that nothing but a narrow neck of land, scarcely 100 yards across, is left between them. The mouth of this branch is easily accessible, and at high tide there is not less water in the bar than 12 feet. It is navigable as high as Bunder Vikkur, now the principal seaport of the Delta for vessels drawing 7 feet; but above that town becomes so shallow in the dry season, that boats of a greater draught than 2 feet 8 inches cannot ascend it. Near its confluence with the Setta, the breadth for some miles rarely exceeds 50 yards, and it is fordable at any time of tide at six or eight different places.

Amongst the seaports of Sind, Bunder Nikkur may be considered as next in importance to Corachee: the closing of the branches leading to Shabbunder, diverted the trade of that town to other channels, and the Hujamree possessing many advantages over the other rivers, was soon frequented by the boats engaged in it. The port takes its name from a small village which, within the last few years, has been almost deserted, but the town is called Barree Gorah, from its vicinity to the mouth of the Gorah Creek. It contains about 120 houses, constructed of reeds and grass plastered with mud, and including the contiguous villages has a population of about 1,200 souls. The appearance of the place is wretched beyond description, but it possesses

notwithstanding, a considerable trade, and has now become a depôt for the greater part of the foreign and internal commerce of the Delta.

The total value of the trade is about five lacs of rupees, and the balance is in favor of Sindé, the exports exceeding the imports by more than a third. The former consist of rice, ghee and gour and the latter of the following articles.

From Bombay—Cloth, sugar, dyes, iron, lead and copper.

From Muscat—Slaves, dates and dried fruits.

From Guzerat and Cutch—Cotton.

From the Malabar Coast—Pepper, timber, coir, cocoanuts, coarse cloth and curry stuff.

The average number of boats that annually arrive at Vikkur is about 400. Of these 350 are sent from Cutch and Guzerat, 30 from Bombay, and the rest from Corachee and the Mukran Coast. In size they vary considerably, but it will not be far from the truth if their average capacity is estimated at 20 tons. Most of those that arrive with cargoes belong to Bombay; the remainder come empty and take away rice, of which above 7,000 tons is annually exported from this part of the Delta alone. It is all of a coarse and inferior quality, and it is purchased at the rate of about 35 rupees per kurwar of about 1,800 lbs. From Vikkur a revenue is obtained of rather more than a lac of rupees per annum. It is assigned to Meer Nusseer Khan, the brother of the reigning Ameer, and is derived from a duty of 10 per cent. levied on the trade, and a share, amounting to two-fifths of the produce of the soil. No route presents such facilities to the natives for a commercial intercourse with the upper parts of Sindé as the Hujamree river, and if the duties were more moderate, the whole trade would be soon conveyed by this channel with the exception of the small quantity of timber. None of the goods imported to Vikkur ever find their way above the Delta, and nothing is ever sent from Hyderabad but a little indigo. Wheat, although grown in large quantities in upper Sindé, is generally procurable at a cheaper rate from Cutch, and the Mukran Coast. Between Vikkur and the capital, the transit duties demanded at different towns and villages amount altogether to 35 per cent. The greater portion is exacted by the different chiefs possessing jagheers bordering on the river, whom the Ameers apparently allow to levy whatever imposes they please. The most valuable part of the trade has for many years passed into Sindé by the Corachee route. It is sent from that place by water to Garrah, a town on the small river of the same name, and from thence to Hyderabad on camels. The expense of carriage is said to be about 37 rupees per ton. The duty demanded at Corachee is 6 per cent. In 1800 it produced a revenue of rather less than a lac of rupees, but it has since considerably increased.

It has apparently hitherto been a matter of doubt whether vessels of a large size ever frequented the Indus or could at any period have navigated the rivers of the Delta. The point, however, is now completely set at rest by a discovery made a short time ago. About 20 miles above the mouth of the Hujamree, there is a large ship half embedded in the soil at a distance of 150 yards from the high steep bank of the river. Her upper works are almost entire, and she cannot be less than 350 tons in burthen. She is of the old fashioned build, 85 feet long, and pierced for 14 guns. She is said to have belonged to the fleet of the Kajora princes, and the natives assert that the remains of others of a large size are still visible in the vicinity of the Munnejah river. Forty or fifty years ago the Sindé monarchs appear to have possessed a navy of 15 large ships. Individuals have been met with who, in their youth, served on board of them; and from their description one must have been nearly 1,000 tons in burthen and several of the others from 7 to 800. All of them were vessels of war, and they were stationed at Shahbunder, which owes its name (the king's port) to that circumstance. The largest is said to have been mounted with 30 guns. During the struggle that took place between the Kolora princes and the Talpoor chiefs, which ended in the expulsion of the former, they were deserted by their crews, and many of them destroyed. The rest were laid up by the victorious Belooche chiefs in creeks and canals, where they quickly became fixed by the accumulation of mud, and now remain to attest the wealth and power once possessed by their predecessors.

The changes that have occurred in the central branches of the Delta within the last 60 years, are most remarkable, and exhibit the ever varying and inconstant character of the Indus in the strongest light. In the latter part of the last century the Secahre or Hujamree was a broad deep river discharged through the Richel mouth, and afforded a passage for large vessels up to Shahbunder. The old banks are still visible in a continuous line throughout the upper portion, and show that its width at that period could not have been less, in the narrowest part, than 300 yards. It then quitted the Setta about seven miles below its present afflux, and after pursuing the same direction as it does now some miles, turned at a sharp angle through the Kedywaree creek and formed a junction with the Richel. Faint traces still remain to point out the course and magnitude of the destroyed portions of this once noble stream, which in some places must have been at least 800 yards broad. As the water deserted its channel, one of the small creeks thrown off towards the sea, gradually enlarged and deepened until in process of time it formed the lower part of the Hujamree river. The mouth of the Richel, now choked with sand banks, was at the period alluded to, accessible to the largest vessels, and Shahbunder was frequented by European merchant ships of a considerable size. They proceeded by the destroyed

branches of the Seeahn into the Setta and from this river, the Mulla now abandoned by the water, afforded a passage to that town. Many of the natives remember the time when European goods were cheap and abundant throughout Sindé, and state that sugar especially was brought in such quantities that it was put into the doondeeds and sent to Hyderabad in bulk. Fifteen years ago the Munnejah, as has been before stated, emptied itself through the Gora mouth, which was then from 5 to 6 fathoms deep. As the branches above closed the water increased in volume, forced another passage for itself across a tract of land on the left bank, a forest of high Amerisk trees was swept away in its course, and although there are none of a large size now near the spot, many decayed trunks half buried in the ground, are still seen on the banks to attest the fact. As the new mouth widened the old one filled up and the former, under the name of the Kookewarree, is now the grand embouchure of the Indus. This alteration in the course of the Munnejah has lately occasioned a curious dispute between two of the Hyderabad Ameers whose districts it separates. A large slice of land was cut off, which belongs to Meer Mourad Ally. This was seized by the agents of Meer Nusseer Khan on the plea, that as the Munnejah is the boundary line between the two portions, all the land on the right bank must always belong to him. The chiefs of the opposite party only replied to this argument by collecting their followers and expressing their determination to defend Meer Mourad Ally's right to the utmost. Four or five hundred men assembled near the spot, and it is supposed the dispute will in a short time be settled by the sword. But those princes are relatives of the reigning Ameer, with whom they reside at the capital, and are noted for the cordiality and affection that apparently exists between them. This trifling affair, which one would suppose might have been arranged to the satisfaction of all parties in a

very short time, gives any thing but a favorable idea of the strength of the Sindé Government, or of the power possessed by the chief Ameer over the members of his own family.

There is every reason to believe the Setta will continue to be the grand channel of the Indus. That it has been so for a long period the extensive flats cast up before all its mouths sufficiently attest. They have existed in their present state beyond the memory of man, and are evidently not the work of a short period but of centuries. It is worthy of remark that nothing of the kind is found at any of the other mouths but the Koree, and this was supposed by one well qualified to form a judgment on such a difficult point, to have been at a very remote period the principal embouchure of the Indus.

Within the last 12 years the Seeahn has rapidly decreased in magnitude from the accumulation of extensive flats in its bed, that are now sufficiently firm to be available for agricultural purposes. The causes that produced them are still in active operation, and it is obvious that unless some extraordinary change occurs on which we cannot calculate, this branch will be as effectually closed in a few years as the Bagguar. From the angle at which that arm quits the parent stream, there is little probability of its being again opened and the same may be said of the abandoned branches of the Setta. All the changes that have taken place appear to have been produced by the gradual enlargement of creeks thrown off at the bends of the rivers in a direction favorable for receiving the body of the water. From the comparatively strait course of the Setta this cause can no longer operate to change its direction or open new channels, and if the Seeahn becomes closed we shall in few years witness the singular phenomenon of a mighty river emptying itself by one channel and through a mouth hardly accessible.

C.

\* Capt. McMurdo

## NOTES ON INDIAN AFFAIRS.

### No. LIII.

#### CHARACTER OF THE PEOPLE continued—MISCELLANEOUS OBSERVATIONS.

In this paper, which will conclude my observations on the subject for the present, I propose to consider various minor points which strike us to be absurd, simply because they are different to what obtains among ourselves, though very often this impression arises from ignorance and want of thought, since in many cases a complete parallel might be instanced.

One of the first things which young Englishmen on their first arrival in India are struck with, is the frequent use of the word *bundah* or *gholam* (slave). The servants in replying to an order for instance will say "your slave will

see it done." It is very true that these terms *literally* signify *slave* but in common parlance they mean no more than "your humble servant." Do we not in official correspondence, nay even in writing to strangers on private affairs, conclude with the phrase "I have the honor to be, your most obedient humble servant," e. i. in plain English, "I deem it an honor to be considered your humble servant?" and in proportion to the rank of the individual whom we address, do we not increase our terms of respect, even though he may be on an equality with ourselves? "I have the honor to be, my Lord

with high respect and esteem, your Lordship's most obedient, humble servant" is a very common mode of signature by a gentleman to a peer, or from one peer to another, &c. &c. "Oh! but," we say, "this is mere form and custom:" granted—only let us refrain from shewing our ignorance of the common forms of civilized society by ridiculing the natives for a similar custom. The words *juwab alee* (your highness), *huzoor* (your presence), *moor-shed* (my patron) and several others, the occurrence of which in some official proceedings has lately given rise to some sneers and attempts at wit in some of the public prints, are perfectly synonymous with, and in common parlance mean no more than the term "your honor," "your worship," &c. in constant use among the English.

In point of flattery and complimentary forms, however, the natives out-do us a hundred fold, at least according to the prevailing fashion in England, (though not above a century ago, if we look at some of the letters of that date; and in particular the style of dedicatory books to great men, complimentary addresses of poets, bards, &c., there is not so great a difference considering the different idioms of the language as we may imagine) and they constantly disgust us by the fulsome and servile language they make use of in their attempts at civility: not that the English are at all inaccessible to flattery; provided it be administered with tact, no people are more open to it. Perhaps among the characteristic faults of the English character, vanity and selfishness are most pre-eminent; and provided you flatter the one or administer to the other you may do almost any thing with an Englishman. But unfortunately the modes of doing so are so different between the people of each nation, that it is almost as impossible to make the two amalgamate as it is to mix water and oil. It is only constant intercourse, and an intimate knowledge of each other that teaches the Englishman to rise in some degree to the elevation of oriental bombast, and the native to lower his tone to the moderation which will suit the taste of the other. In illustration, suppose a man's opinion be asked of another's horse, which had been abused by one or two friends; the Englishman who wished to flatter would say something to this effect—"Upon my word, a very tolerable horse; I expected to see quite a rip, but this is really a very decent nag; not very handsome certainly, but looks well calculated for work, and I dare say you will find him a cheap bargain." This pronounced in a proper tone would be greedily swallowed. The native on the other hand would launch out—"What a splendid horse! one of the finest I ever saw; such horses are not to be easily had now," &c. &c., completely over doing the matter. Among themselves, all this high flown nonsense is thought no more of than common politeness and civility among ourselves, mere form and words of course. It is like a Turk's daily dose of opium which has long ceased to give him any particular pleasure, but which is brought to him and swallowed from habit as if he could not do without it. We might do

much towards checking these hyperbolic compliments on the part of the natives by quietly intimating to them when they visited us, that such did not suit our English taste.

Credulity and superstition is another fertile field on which we indulge our contempt of the native character, forgetting that all the votaries of a false religion must necessarily be under the influence of such powers; and certainly the natives of India have a most extraordinary belief in what is wonderful and absurd. But I doubt much whether the common people are more credulous in this respect than the lower orders of English even with their superior faith and education. In short, under peculiar circumstances and states of mind, few are wholly free from superstitious influences. Thousands believe the tick of a spider, which they call the death watch, the scream of an owl, or the croaking of a raven to portend death in the family at no great distance of time; and I have known a whole family under feelings of great anxiety during the sickness of one of its members, fearfully disturbed by such a "token" as it is called. A horse shoe is constantly nailed up against a door to prevent ill luck. Sailors will never if they can help it sail on a Friday; and when they have a calm firmly believe that whistling will bring a wind.

In many parts of England the common people believe that the snake which they call the deaf adder has the following words written upon the inside of its skin:—

"If I could hear as well as see,  
Nor Lord nor Duke should pass by me."

Some birds are held as omens of good luck, others as evil import. The magpie has a distich peculiar to itself and have often seen the countenances of a whole party of pleasure brightened or clouded by the appearance of one of these birds as they were setting out. The rhyme is as follows, and is, I dare say, familiar to many of my readers:—

"One for sorrow—two for mirth—  
Three for a wedding—four for a birth."

In many parts of England, and indeed not many miles from London, I firmly believe, that were any one to offer a peasant a hundred guineas down, he would not be able to persuade him to shoot a robin redbreast, or a wren; in such superstitious reverence are these birds held. A man too has a variety of superstitious feelings connected with it, and some people will not allow a black cat to enter their house, it being I fancy usually associated with the idea of a witch. Witchcraft itself has still not wholly lost its power over the imagination in some of the remote parts of England; and in France hardly a year passes that some people are not severely punished by law for putting to death some poor wretch under the idea of his or her being a wizard or a witch. The influence of "the evil eye" prevails among the lower orders of England to a great extent. Any disorder or murrain among the cattle is by farmers generally attributed to this cause—and I knew one instance in which a Clergyman was called in by the family, not twenty years



ago, "to lay the witch." A poor woman in a village near a very civilized part of England, who from some dreadful disease had her features distorted, was by her neighbours suspected of "an evil eye"—and rendered miserable in addition to all her bodily sufferings, from the want of all sympathy or assistance from those around her—had not the Clergyman of the Parish visited her and by his kindness and consideration soothed her mind, she would have lost her reason, and it required all his influence with her neighbours to reason them into a contrary impression. This is a very common superstition among the natives of India, and indeed I fancy many parallel cases might be drawn, and perhaps some philosophical mind may hereafter be induced to pursue the enquiry (which has already been done among European nations) as to the origin and analogy of superstition in the eastern and western worlds. There is however this great difference, that in England, with few exceptions, in the present day, it is confined to the lower orders, while in India the upper classes are almost equally subject to its influence. In our intercourse with them however, we might confer considerable benefit, by attempting to lessen their belief in the supernatural. For my own part, whenever a Hindostanee gentleman has related any story about subjects confined entirely to the affairs of this earth, and which though improbable might be true, politeness induced me to appear to credit it; but whenever he introduced the supernatural, I considered it carrying complaisance too far to let him imagine that I believed it. I ask him if he had himself witnessed what he described? If he answers in the negative "then you must excuse my giving credit to such things." If in the affirmative, I endeavour to persuade him that what he had seen could not have been real, but must have been a *deceptio visus*.

In arts and sciences, as I have before remarked, they are on the whole still a long way behind us, and are likely to remain so as long as the exactions of our government continue to weaken their energies and impoverish their means of exertion. But abolition or at least amend, as was suggested in No. 50, the internal transit duties, which are now destroying all trade and manufactures with rapid progress; take off the virtual embargo on the export to England of the staples of India; and we should soon see a very different state of affairs. With respect to science and information, the natural capacity of the people is great (compared with the European intellect the native when once roused acts with double activity.) If Government and those individuals who feel an interest on this subject, would pursue the only feasible plan of imparting them to the mass of the people, i. e., cause translations into the vernacular language and character to be made, and establish a sufficient number of schools for teaching the same, while every facility was given for instruction in the English language, ignorance would soon be dispelled from the land and knowledge would burst forth

with a light that would astonish and even dazzle us. It is to be hoped that government will shut its ears to the attempts now making by a few individuals learned in Oriental lore to appropriate any part of the small sums destined for the education of the people to the purpose of teaching Persian, Arabic, or sanscrit. There is not in all three languages any knowledge that will be useful to the people at large. If that learned body are so fully satisfied of the importance of these studies to native education, let them exert themselves and stimulate those natives who are of the opinion, to support institutions for the purpose, at their own cost.

With all our boast of superior intelligence, however, in the arts of life, we should consider that it is only within little more than the last half century that we ourselves have made such rapid progress in science and manufactures: our grand fathers all wore linen which was spun in their own households. In Scotland and in the North of England the custom still prevails, and old persons still fancy no cloth can be strong that is not made with hands. Almost all our most powerful machinery is the production of the last fifty years; the steam engine has been called into practically useful existence only within a few years; and it is to this above all other inventions that our greatest improvements are owing. Another thing too, we should consider that the natives are in a most unfair situation for making a comparison between the respective proofs of improvement and civilization. Owing to the oppression of government, and the prejudice of individuals, every impediment is thrown in the way of native advancement. By the former, native productions are saddled with an almost prohibitory tax, while every encouragement is given to supplant them by English manufactures; and the latter must have almost every article they use from England, despising all "black fellow's work." Although in some minor matters the skill of the natives has increased of late years, generally speaking, in arts, sciences and manufactures, they have retrograded and are inferior to those who lived a century ago.

But though in the great commercial towns of England and in those counties where manufactures and the means of rapid communication exist, the general improvement of the country is almost universal, in some of the less frequented parts of the country, we are yet in a very rude state. In Cornwall, for instance, you may see a single horse in a plough, with no other harness than a temporary straw collar, a hame and pair of traces. You may also meet a cart with a horse in the shafts; two oxen in front of him; and another horse in front of all; thus showing great ignorance as to the relative powers of the two descriptions of animal, and causing much loss of labour. The natives have made some inventions on which we piqued ourselves greatly when we first discovered them. The full plough was known in Hindostan years before the English heard of it; and the patent breeching for guns which was

so vaunted on its invention in England about forty years ago, has been known in India for a century or two. I have already alluded to our contempt of the rude work of the Natives, and yet there was often found more applicable to the climate and country than ours. An Englishman once attempted what he imagined would be great improvements in farming: he certainly produced finer crops than his native neighbour; he realized a return of about thirty at an expense of forty or fifty.

The Native received a return of twenty-five at an expense of ten. I by no means intend to intimate that improvements cannot be introduced into India, but it must be done with judgement, with reference to climate and various other circumstances. We are exceedingly prone to imagine the people of India strongly prejudiced in favor of old customs: they certainly are so, and in general it would be very hazardous to interfere with them; yet they are by no means invulnerable on this point, nor uninfluenced by the causes and impressions which have their effect more or less upon human nature in general. Ridicule, example, or a different turn being given to an old idea, will often prevail with them where argument or reason with fail. I recollect an instance where a mere joke caused several Hindoos to refrain from performing ceremonies which they had previously intended to do:—a gentleman was on a visit to a fair at some holy place on the Ganges. On reaching the place of those who went on with advance tents, one immediately performed the ceremonies, part of which, for those whose parents were deceased, consists in shaving the whole head including the beard and moustaches: on the master's arrival he jestingly told the man he had not added to his beauty, for that he had made his face resemble a monkey's posterior: three or four others who had intended doing so, refused to shave their faces, while the poor man who was already in the scrape, like Esop's Fox who has lost his tail, was saying every thing he could to bring them into his own predicament. No, they said, they would forego the ceremony rather than acquire the nickname of monkey's b—m \* (which had immediately spread among the other servants,) for the next two months till their moustachios were grown again.

In the common affairs of the world, provided a little trouble be taken in teaching them and explaining what they do not understand, especially if they see the practical advantage of what is recommended, they will not be slow to adopt new customs. In some things they are far more willing to do any thing out of the common way than English workmen. A man who keeps an Indian carpenter has only to tell him "I want a carriage, a boat, or any thing else done"—the man of course never made such a thing in his life before, but he never hesitates a moment; "tell me the measurement size, &c. sir, and show me how it is to be put

together" is his only reply and forthwith he sets to work. Now, most English workmen will positively not do any thing "out of their line." Indeed in a remote part of England, you may go to a master tradesman, and ask him as a favor to do a little "job," which he could do as easily as any thing in his own immediate way, offering to pay him extra, to save the trouble and delay of sending many miles for the article wanted; it will often be with the greatest difficulty that you will get what is required, and now and then it will be refused altogether; the only answer to be drawn from the man being "can't be done, sir." "Not in our line, sir."

As to agricultural improvements I appeal to those who have had any experience in country affairs at home, and to those English gentlemen who have made the attempt in England, for the extreme difficulty of persuading an English farmer, gardener, or peasant to adopt the smallest change in the habits to which he has been accustomed. It was till country gentlemen themselves, and at their own wish and expense made the experiments, that any thing was done; and they were often counteracted in every possible way by their tenants and labourers; for one cheerful, obliging man, they would have a dozen sulky and obstinate boors to contend with, while the upper farmers themselves sneered at, and ridiculed the "gentlemen farmers." They persevered, however, and seeing the good effects of their proceedings, the farmers found it their interest to co-operate with them, the result of which is that England is the first country in the world for all agricultural improvements.

Cruelty is another of the vices for which the natives are said to be distinguished. Now as far as my experience goes, I certainly should say that the English are decidedly more cruel by nature than the natives of India. Unless children are early taught humanity to animals, a lesson which cannot be too early inculcated, they are almost always disposed to be cruel; at first perhaps, from ignorance of the pain they inflict, but often, if not corrected, from a pleasure in teasing or tormenting. As school boys, the whole zest of by far the greater number of our amusements or games, consists in practical jokes, or inflicting some injury to the person or property of some boy. Robbing bird's nests, for no use, but the pleasure of breaking the eggs; spinning cock chafers; torturing dogs and cats; in fact every animal that they can get within their power, are the common amusements of English boys, even of the highest rank: as they grow older, cock-fighting, badger-baiting, bull baiting, fighting dogs, are, whenever they have the opportunity, the entertainments most relished by the common people, in which I am sorry to say, they are often encouraged by the country gentlemen. There is something comparatively noble in a Spanish bull fight, when the combatants fairly risk their own lives, though even this has its horrors; but the English system of keeping themselves in perfect safety while they set dumb animals to torture each other, is at the best, but a low,

\* Monkey's b—m; a simile commonly applied by the natives to our smooth shaven faces.

cowardly pastime, and totally unworthy of a civilized nation. It is probably this preparation in youth that causes the English troops during the storm of a town to commit barbarities infinitely beyond the soldiers of any nation in Europe.

The Moosulmans are as well versed in the cruelties of fighting animals as we are, but they as well as all that are mentioned above are utterly unknown to the Hindoos. The only exception is birds' nesting by the boys in the Himalayia, but this has an object and is not mere wanton cruelty. It is the custom among the peasantry there to take one meal in the morning about seven o'clock, and one at dusk. The boys who are sent immediately after breakfast to tend the cattle while grazing, and remain out the whole day, become very hungry towards the afternoon; they therefore are always on the watch for birds' nests, and as soon as one is discovered a snare is set over it; no sooner is the old bird caught than they, having always the means of lighting a fire about them, grill and eat it.

What is more common than for boys in England to go out at night (even at our great public schools) to break windows, cut down trees, throw people down by tying strings across the road, or commit other injuries to person or property? It is remarkable and contemptible that the mischief committed by English boys contains not one spark of wit or ingenuity; the merest fool could invent it as well as the cleverest. And here I will give an anecdote in illustration of this propensity to mischief which shews that it does not always cease with the season of boyhood; but that in this country the natives are not unfrequently its victims. In many parts of the country the sweetmeats which form so large a proportion of the food of common people are composed merely of flour and sugar, formed into a variety of shapes, and dipped into boiling clarified butter to make them crisp, which is kept ready for the purpose in very large, broad pans. At the Hurdwar fair there is of course a great demand for sweetmeats of all kinds, and the street is lined with shops; at each of which the *hulwae* (pastry cook) is seated with the large pan of boiling butter before him replacing his stock as fast as it is sold. Some years ago, the Magistrate of one of the neighbouring districts, mounted on his elephant, having provided himself with a large number of balls (a round hard fruit as big as a large orange) passed through the street, dashing on into each of the pans of boiling butter, splashing the poor *hulwae*s, and of course scalding them severely. He would not have dared to treat a set of booth keepers so at an English fair, but here in the character of an official dignitary, himself out of the reach of their anger, and followed by half a dozen armed Police men, he could show off his courage with impunity. This it will be said, is but an insulated instance; but it was told all over that part of the country as an excellent joke, and received by most of the hearers in the same light, and again repeated. Should this meet the eye of the individual in question, he

will doubtless recollect it, and I hope, now that some years have since passed over his head, feel ashamed of his conduct.

Mr. Ward in his history of the Hindoos, described the natives as not possessing the least sense of filial duty or gratitude; that when grown up, they often abuse their parents, and even beat their mothers. As regards those of the upper-provinces, of whom Mr. Ward knew nothing (but he makes no distinction and speaks of the Hindoos in general) it is a false calumny, and, I suspect that even when applied to the Bengalees, it is, like almost every other assertion made by that writer to the disparagement of the natives, a most gross exaggeration: but with all Mr. Ward's prejudices against the natives, he was too conscientious a man not to bear testimony to their having some good qualities when, much to his astonishment, they were brought to his notice. So far indeed from their having no sense of filial duty, nothing is more common than for soldiers and servants to save regularly a part of their wages and transmit it to their parents. There is not an Englishman who has been some time in India who cannot corroborate this; and I think it is just as common among the Bengalee servants as among those of any part of the country. Indeed not long ago I heard an instance of a Bengalee tailor having accompanied a gentleman to England as a servant, remaining there and marrying an English wife; but having a wife and mother in Calcutta, he regularly remitted to them 20 rupees a month from England. The Orissa men are however the most praiseworthy on this head. In justice to the Bengalee Hindoos, I must mention another good quality which they possess—hospitality. A Bengalee residing in the upper-provinces, thinks it incumbent on him to feed and lodge for the night any Bengalee who may come to him: whether they do this in their own immediate province I cannot say; probably not—for the expense there would outrun the largest income. In the upper-provinces, travellers from Bengal are few. Hospitality is indeed a virtue largely possessed by the natives in general, both Hindoos and Mohomedans, especially by the latter, who do not confine its exhibition to their own sect so much as the Hindoos do.

One very remarkable feature of the natives of both classes, particularly of the lower ranks, is a want of exactness; though I doubt whether this be not more or less peculiar to all uneducated people. The height, however, to which it is sometimes carried is almost incredible: and yet before I came to India I had heard them spoken of as the most exact people possible: that if you once told them the quantities or measurement of any article to be consumed, they would never afterwards mistake or forget. Nay, I have heard an anecdote related of a lady who having given a dress and some muslin to a tailor to make her a gown exactly like the pattern, was so literally obeyed that the new gown was brought with a darn in it because the old one chanced to have one. If

such a thing ever happened it was most probably owing to the muslim having been torn by accident, but I rather suspect it to be one of that class of good stories against the natives which I formerly ridiculed.

So far from finding them possessed of this quality, with all I have ever had to deal with, from Calcutta to the Sutledge, except among those who have been taught it by the English, I have found exactness to be an unknown quality. It is like a new sense; they understand not what it means; and it is the acquisition which a master finds the most difficulty in teaching them. Send for a village carpenter and tell him to bring you a piece of wood exactly three feet long, he will probably bring it an inch too short: the real truth being that he cut it out by guess; and on making enquiries as to the mistake, he would only reply "I did not think so small a difference would signify." So with table attendants. Men who like to have a good table have sometimes taken the trouble to have recipes for English cookery translated into Hindoostanee and supplied their servants with weights and measures and every requisite for preparing a dinner; yet it is with the greatest difficulty, sometimes requiring even personal superintendence, that they can get their servants to use these things, and prevent their doing every thing by guess. I knew a man who in order to ensure that any direction to a servant was correctly carried into effect, made his servants repeat the order: it was a full month at least with any of them, often longer before he could teach them to repeat word for word, though only consisting of a short sentence: although in their own clumsy, jumbling manner they could give the substance of what they had been told correctly enough, often putting the last part first, and the first part last.

There is one species of blunder the servants are constantly making which is supposed to arise from stupidity or want of exactness, but which is in fact owing to a very different cause. For instance, a person calls to the chuprassie (peon) who is in attendance outside the room, and on his answering the summons, points to a table on which there are several books and says in as plain language as possible, "bring me that red book." The servant goes to the table and brings a black or a green one. This is not stupidity, the reason is as follows. The lower orders of natives are in this respect like dogs; if they sit down, unless they are actually doing something, they fall asleep, or at least into a doze; on hearing his master's call, the servant enters the room only half awake, and the only word that catches his ear is "book," he does not like to ask which book, knowing that his master would immediately infer that he had been asleep; and fearing some slight penalty, such as being kept in attendance an hour or two beyond his time, or some additional duty, he consequently brings the first book that comes to hand, thinking "if I am right, well and good, I can but be found out after all." A very good plan is to give those in immediate attendance something to keep them always employed: skeins of thread to unravel;

coarse nets to make for the garden, or any easy work of that description; indeed if any one would take the trouble to teach them they would soon learn to make a great many things which might be useful in a family, for instance they might be taught to knit stockings, make tapes and bobbins, &c. This constant employment keeps them awake and smartens their intellects, while it prevents much annoyance to the master. It must, however, be allowed, that many of the lower orders of natives exhibit stupidity in the extreme; the intellects of some, who, however, are by no means idiots, are certainly not of a higher order than what is possessed by an animal, and their faculties more resemble instinct, than sense and the power of reasoning.

The last peculiarity that I shall mention is one regarding opening a lock, for it is an extraordinary one. I never yet knew a native who, however well he might know the way a key ought to be turned, if he found the lock a little stiff the right way did not immediately whisk the key round the other way. I have often spoken and explained the absurdity of it to them without effect; but when on one occasion a man gave me the same oft-repeated answer, that "as the lock did not open by turning the key one way, he tried the other," I quietly spoke to him as follows:—"Now, my friend, if when you are eating your dinner and find a tough piece of bread stick in your throat, do you take it out of your mouth and try the other end of your body to see if it will find its way to your stomach by that road?" This illustration by parable struck him more forcibly than any thing I had ever before said.\* I have now finished my remarks on this subject for the present, my reasons for entering upon it at all, and for touching upon it thus superficially were given in the last number. One part of Mill's work has been productive of incalculable mischief both to the minds of the young men who successively came to India, and to the interests of the people. In depicting the character of the natives, Mill has raked together all the authorities on one side, and has painted the nation as degraded by every vice and superstition imaginable, with scarce a redeeming good quality. I have often wondered that those who are fond of entertaining such horrible opinions of the whole people of India, particularly so acute a writer as Mill, should never have reflected and enquired how the fabric of society was sustained in a nation so sunk in crime for so many ages: it would

\* This peculiarity is not however confined to the natives of India. I once went into a shop in Brighton to buy a watch-key: among others the watchmaker showed me one which he had just invented, so contrived that in winding up the watch if the key were turned the wrong way, the top of the key only would go round; if turned the proper way it would wind up the watch. I praised the ingenuity of the invention, but observed that it was useless since no one would make such a mistake. "Oh! no Sir," replied the watchmaker, "it is very common particularly among ladies; you would be quite surprised to see the number of watches brought on us for repair which have been injured solely by turning the key the wrong way; had it not been so I never should have thought of trying my hand at the invention." Whether the heads of the ladies become more in a mis maze at Brighton than at other places, so as to render this accident more common there than elsewhere, I cannot take upon me to decide.

have crumbled to pieces centuries ago had these ideas regarding the natives been correct. The misfortune is, that the young men read Mill's account (that being one of the, if not *the*, standard works on India,) and arrive in India deeply imbued with prejudices, which it often requires years to correct, and which have an excessively injurious influence upon themselves, and upon the interests ~~both~~ of Government and the people. They may be assured, that the natives of India have, like other nations, a due proportion of good and bad qualities. The Court of Directors would do a wise act to present every young man leaving England for their Indian service, with a copy of Sir J. Malcolm's instructions to his assistants; the benefit would more than repay the cost; and should these papers when published in England ever meet the eyes of any young man destined for India, it will be a subject of great congratulation to me if they should be induced by the perusal to postpone forming an opinion of the people of India until they have had the opportunity of mixing with the better classes, and judging for themselves.

#### A FRIEND TO INDIA.

July 10, 1835.

P. S. Talking of credulity and the readiness with which people give credit to an absurdity and hand it down from one to the other without even exercising their judgment. I cannot help alluding to two most ridiculous notions which are with few exceptions prevalent with the whole English population in India. One is that bamboos in a jungle will take fire by the friction caused by the wind; the other that the mere running over a bottle of wine by a musk-rat will spoil it, because the wine will taste of musk.

As to the first, let any one try the experiment which I have done. Take two bamboos, and rub them together till they take fire; for which purpose three or four men to relieve each other will be necessary, so great is the labour required. Then, when a high wind blows, go to any bamboo jungle; select the clump which appears most in agitation and observe the two branches which are rubbed against each other with the greatest friction. Watch carefully, and you will see that the slow, vibrating motion gives about the thousandth or two-thousandth part of the friction necessary to set the tree on fire: I never could even perceive the slightest warmth at the parts where the branches rubbed with most friction.

How then do bamboo forests catch fire? (which by the bye is a rare occurrence, for they are seldom dry enough to burn.) In a very simple and accountable way, wherever bamboo jungles exist there is plenty of grass. During the rains, on account of the unhealthiness, no one enters the jungles: about October when the wood cutters and cattle grazers venture into it to pursue their respective callings, the grass begins to turn yellow, when

the cattle will no longer eat it; but as soon as it is burnt, fine green grass springs from the roots: it also grows from three to twelve or even twenty feet high; often as stiff as reeds and as thick as a man's thumb, and quite impenetrable. Consequently, wood cutters, herdsmen, and even the bordering villagers, as soon as they have secured enough to thatch their cottages, set fire to it whenever and wherever they can find it dry. English gentlemen often do so for sport, or to rouse a tiger. Consequently from October to June, there is a perpetual succession of fires all over the jungle, which sometimes is communicated to small trees or bushes, and bamboos. According as the soil be more or less swampy some parts of the grass is not dry enough to burn till May or June, some never sufficiently so. Then again in April, May, and June, there is another succession of fires confined entirely to the forest jungle, and caused by the burning of the dry leaves. It is from these chiefly that the young trees and bamboos are burnt. It is a beautiful sight to see a line of fire, ten miles long upon the ridge of a hill, shining at night with the utmost splendour—only to be marked in the day by a little smoke; blazing out again as soon as the night sets in, only so much higher up the hill, but as regular as a line of soldiers, until it disappears over the top of the ridge. It then marches down the other side, up the next ridge; and several days after reappears on the summit of the second range which over-tops the first. It is curious fact that although the flame of these fires from the leaves is rarely above a few inches high, it is far brighter, much more steady, and makes more show than the flame from the grass. The latter is burnt in patches, a flash and all over. Yet I have seen from a fine dry bed of high grass, or rather reeds, a volume of flame suddenly burst out to the height of full forty feet. The confined air in the joints of the reeds burst out like pistol shots; and the whole air filled with birds darting through the very flame and smoke to catch the insects driven from their shelter, and a fine wild sight it was.

Regarding the second, on my first arrival in India it struck me as so extraordinary as to be worth enquiring into; and first for theory. I observed that no wine *really* bottled in Europe ever tasted of musk (which after all is possible supposing the corks to have grown rotten and the bottles recorked in Calcutta). Second, that one solitary bottle from the very centre of a chest of wine was sometimes tainted while those around it were perfectly pure yet the rat must have run over others to reach the centre. Thirdly, that in the cellars of people of small incomes, the wine being brought in small quantities, was usually kept in open baskets, where musk-rats abounded; yet that no greater proportion of these persons' wine was tainted, than that of those who kept it in close boxes. So much for theory. For experiment let my readers rub a musk-rat all over a bottle, and serve the wine out to a party of friends without saying any thing, it will be found perfectly free from taint, (only the bottle must not be

brought into the room, nor must the man who handles it to be allowed to enter or to touch the glasses or any thing that it is taken in; if so they would scent the musk and fancy it was in the wine. I knew a person who in opening a chest half full of wine found a nest of musk rats among the bottles, and having a cane in his hand he killed both old and young rats upon the bottles; yet the wine was perfectly pure. The reason why a bottle of wine sometimes tastes of musk, is that the rats get about the mouths of the empty

bottles as they lie in the cellars in Calcutta and that the bottles are not washed with sufficient care. They also leave their excretory matter of both sorts upon the corks which are often lying about in open packages; cork so scented will contaminate a bottle of wine.

I have perhaps been rather "lengthy" upon these two points, but I was anxious that such absurd notions should no longer be entertained for want of a few moments reflection and experiment.—*Hurkaru.*

## SKETCHES OF THE PHILIPPINE ISLANDS.

**REVENUE - POPULATION—AGRICULTURE OF THE PHILIPPINE ISLANDS.**—The Government of the Philippine Islands levied last year near 1,000,000 of tributos, or capitation taxes, one tributo being paid by each father of a family. Each tributo is *drs.* 13 and levied by the curates in the villages, who deduct 25 per cent. from it as their commission, so that the Government does not receive more than a dollar each family. The number of subjects of the Spanish Government is about 4,000,000 and Government's receipt for capitation tax amount to about *drs.* 1,000,000. No other tax gatherers are employed in many of the districts than the curates or monks, whose influence is unlimited among the Indians, whom they keep in strict submission to the Spanish government, and so jealous are they of any interference with their affairs, that they invariably find means of preventing other Europeans to settle within their parish, nor will they even allow any soldiers either to protect them or to assist them in gathering the tax. Beside the tax which they collect for the Government, they receive 5 rails for the church from each family, and as they oblige the Indians to pay them in kind at their own valuations, the real amount of their income is much greater than would at first appear. There are parishes containing 50,000 families, each taxed as above stated, and the income of their priest would consequently amount to above £50,000. For the greatest part, these monks, for some of the curates are secular clergymen, must account to the convents, but the manner in which they collect the taxes gives them the means of providing for a numerous family, which, in spite of their vow of chastity, is always found in their houses and convents, as the natives call the parsonage, under the names of nephews and nieces. Wherever the parish is rich, you will find the curate to be an European; where poor, he is an Indian educated at the Manila College. This education does not extend beyond writing and reading a little Latin, and a book called the *Universal Traveller* which, as you may infer from its title, lays claim and is believed by these poor Indians, to give a knowledge of every thing that is to be known. Their ignorance is therefore very great, and they believe

in all superstitions which their more artful, but nearly as illiterate brethren have brought from Europe, and in many others, traditions of their own nation. The Spaniards say that all trace of their former worship has been lost, and this is very likely from the intolerance and indifference to research, which have characterised the Spaniards in all their colonizations; but it is evident from many of the Indian customs, that its remembrance is still cherished among them, and you will now and then see them on passing an old tree, or any other imposing or curiously shaped natural object, offer a present of fruit or flowers to propitiate their spirit. Their woods and plains, mountains and vales, are according to these Indians, all inhabited by a variety of mischievous and friendly sprites and hobgoblins. The following anecdote which the writer of this note had from the Indian curate himself, the truth of which occurrence the latter would not dare to doubt, may prove amusing, and give some idea how their peculiar superstition is blended with that brought to them from Europe. The woods contiguous to paddy-fields in Manila are inhabited by an immense number of wild hogs, and the Indians not only on account of their flesh, but also because they are so destructive to their crops, hunt and kill them whenever they can. It happened one night, that an Indian who, in a moonlit night, had lain for some time in wait of a number of these animals that had been in the habit of visiting his paddy-field, saw them come within shot; but contrary to his expectation they were all extremely small and he would not spend powder and shot on them. At last came in sight, the last of the troop, a boar of enormous size and seated on him a personage of extraordinary appearance, of the human shape certainly; but less in size. He for some time hesitated whether to fire or not, but not willing to see his enemies escape him altogether, he at last took heart, fired and hit the hog mortally. The rider vanished in a clap of thunder and left a most stinking sulphur smell behind him. Our Indian rather amazed, but nothing daunted, took the dead boar home and intended to regale himself and family with his flesh, but it diffused such an insufferable stench not only

all over the house but the whole hamlet that they were obliged to bury it without loss of time. The narrator of this story assured me that he knew the man well to whom this happened and if I liked, he would call him to affirm the truth.

The Indian of Luzon is a mild inoffensive being, and I am inclined to think him related to the Malays, from the formation of his features; though from his being agricultural and consequently quietly settled in the place which gave him birth, not so daring nor warlike as that roving nation. It is said, however, that the Indian by no means wants courage, and he possesses, with all the Asiatic nations, that cold indifference to death, which so much distinguish them from the Europeans, who generally look upon it as a much greater calamity; perhaps because their life presents many opportunities of more exciting enjoyment. The Luzon Indian is eminently hospitable, and if an European traveller comes to his house, every thing is at his command; offering payment for such hospitality the Indian deems an insult. His chief recreations are music, dancing, smoking and drinking a spirit distilled from cocoanut toddy, to enjoy which latter pleasures the Government take good care to give him the means if he has the money, as both tobacco and "vino de coco" are Government monopolies, and you find shops retailing them in even the smallest village, so that generally nearly the whole of the produce of the Indian's labor goes into the Government treasury, and what is left they pay to the priests for marriages, christenings, burials and wax tapers. It is strange that with such misgovernment, which makes it next to impossible for an Indian to hoard any thing, even for the next day, he should be one of the happiest mortals on this earth; and yet that he is. The country and climate are as fine as bountiful nature can make them; every thing necessary for the sustenance of man the earth yields without effort; labor is hardly required, and if a man grows old he is no incumbrance to a family whose every want is so easily supplied, and whose pantry is the whole surrounding country. It seems that nature has every where almost equally distributed her gifts, for we find that in the countries which she has most richly endowed, her very profuseness prevents the improvement of man, and thus it is that the Indian is always complained of as the idliest being in the universe. The Island of Luzon could produce a hundred times what it does now, were its inhabitants more industrious; and we may see this brought about in the course of time whenever its Government begins more to encourage capitalists to lay out their money in the cultivation of estates, and for that purpose attract foreigners to settle, as the Spaniards are not agriculturists, and too little active and enterprising for such pursuits. If your readers approve of such sketches on the Philippine Islands, I shall make this paper one of a series which I shall, from time to time, send to you for insertion.

**SITUATION OF MANILLA.**—The following account of Manila from a correspondent will,

we hope, be acceptable to our readers, as this town is rapidly increasing in importance as a shipping station, and little is, as yet, generally known of it or of the Philippine Islands:—

Owing to calms we had for several days lain close to the entrance of the Bay of Manila, and were heartily tired of looking on a land which presents to the eye no novel or particular feature. Cape Mariveles, a high promontory at the entrance of the Bay, is like all the other land which we had seen of the Island of Luzon, covered with wood and shews no cultivation.

At length we were favoured with a breeze, which however contrary, gave us some hopes of entering the Bay. For a whole day we were beating against the wind and tide between the Corregidor (a small island on which there is a signal station) and the Fraile (a naked rock), without making hardly any progress. Here we were visited by a boat and gave our name, which intelligence was immediately communicated by signal flag to the station on the Corregidor, and thence by two or three intermediate telegraphs to Manila; the Bay from Corregidor to Manila being about 23 miles across. It was night when a fair wind at last enabled us to shape our course direct for Manila. We lost thereby the scenery of the Bay, which however is uninteresting, the great extent of the Bay preventing objects on shore to be distinctly seen, and the land all round, particularly to the north and northwest is very low. At daylight, we found ourselves at about 4 miles from shore between Manila and Cavite. The latter place contains the Naval Arsenal, and here some ships of war are built, which, in shape of remittance, are now and then sent to the mother country. Cavite also affords shelter to the merchant ships, who, when bad weather comes on, leave their anchorage near Manila, where vessels are more exposed during heavy gales. Large ships, frequently prefer anchoring in the middle of the Bay, where even if they drag, they run not much risk of being driven ashore.

We came to an anchor within a mile of Manila about 11 o'clock A. M. and anxious to go on shore hoped to be boarded by the "visita" every moment; but had to wait till after 5 P. M., when at last two handsome barges came alongside, with the Harbour-master, Doctor, Custom-house officers, tobacco and spirit guards, altogether some 15 persons, to ask the state of our health, port from which we came, and names of passengers, which being satisfactorily answered, we were at last allowed to go on shore.

We entered the river of Manila through a kind of canal about a mile long, formed by a double pier, built into the Bay; on one side of the extremity of this pier is the Light-house very judiciously situated and useful when lighted, which happens not often, at least not after 10 or 11 o'clock at night, when the lamps are extinguished from want of oil. On the other side is a small fort and battery. The



river is deep enough to admit vessels drawing 8 or 9 feet water, and filled with small schooners, brigs and "pontines" (large sailing boats engaged in the coasting trade.)

On the left side of the river are the new Customhouse, and another fort, either of which do not deserve notice on account of their architecture. We landed after having passed the city of Manila, in the suburbs, where we took up lodgings in the only public house of resort in Manila, the Government being too jealous of strangers, to allow of others being set up. This house, probably from want of competition, is by no means a desirable residence, but fortunately for strangers, the hospitality of the foreign merchants is such, that visitors soon after arrival, are invited into their houses.

The appearance of the town from the sea-side is not striking. A wall which encompasses the city prevents the smaller houses to be seen, and only the Government and Archbishop's Palaces, with some convents and churches, rear their heads above it. The city is the seat of Government of the Philippine Islands, and is chiefly occupied by Government offices, churches and convents. The streets are narrow, dirty and crooked, and the houses, though frequently very extensive are mere square buildings without any architectural merits. The principal square of the city is formed by the Palace, the Cathedral, the "Casa de Ayuntamiento" and private houses on the fourth front. The palace, so called as the seat of Government, deserves that name only as being rather spacious. It is a plain square building of two stories. The inner apartment though large and numerous, are exceedingly ill finished, and the walls merely white-washed. The Cathedral is small, and the Casa de Ayuntamiento is the only one that appears with an ornamented front. The convents occupy the greatest space of the city, but are inhabited by few monks only, most of them being preferred to curacies in the country soon after their arrival from Spain. There is likewise an institution for the education of female orphans, daughters of Europeans.

The city wall is about 18 to 20 feet high, encircled by a fosse, but the fortifications are said to be by no means formidable, and able only to be held against the natives. They could not withstand a regular attack of European troops or tactics.

The suburbs are more extensive than the city itself, and here live all the commercial part of the community, where the river, along which and its branches, most of the best commercial houses are built, affords great facility for the transaction of business.

The situation of the capital of the Philippine Islands could not be better chosen than it is for the purposes of trade. The river affords excellent shelter to all the smaller vessels with which the coasting trade is carried on, and which collect all the produce of the Island on one spot.—It takes its origin in

the Laguna de Bay, a large fresh-water lake distant from Manila only about 10 miles, and the extent of which is about 25 miles across. The country near this lake is very fertile, and its produce, chiefly sugar, oil, rice, hemp and coffee, are with a very trifling expense brought to market, ready for shipment.

In spite of these advantages, and of the extraordinary fertility of the Islands in general, the trade of Manila has been, until within the last few years, comparatively trifling. The cause of this may be found, partly in the jealousy of the Colonial Government against foreigners, and partly in the inactivity of an influential clique of Spanish merchants, who enjoying some immunities in the exportation of rice to China, succeeded during a length of time to exclude foreigners from a participation in this trade, while they themselves did not give it that impulse of which it was capable. The present Governor, M. de Salazar, has at length become aware of the importance of the export trade from Manila, even if carried on in foreign bottoms, and has freed it from the restriction to which it has been hitherto liable. This liberal policy has already been rewarded by a great increase in the production of rice, and the Indian, now sure of a market, cultivates lands which have, till now, lain waste. The exportation of rice from Manila alone during the last year exceeded 800,000 peculs, and it is expected that this year's crop will exceed the last by about 30 per cent. The increased cultivation of other produce will soon follow, and we have ourselves been witnesses to the clearing of considerable tracts of land for the cultivation of sugar, coffee and hemp plantations.

GOVERNMENT OF MANILA.—In the last paper I gave you an account of the local situation of Manila, the seat of the Government of the Philippine Islands. At the head of the Government is the "Captain General," at present M. de Salazar, who took possession of his office in September, 1835. The power of the Captain General or Governor is nominally unlimited, but must, particularly at present, whilst the mother country is engaged in a civil war, be wielded with the utmost circumspection, there being always a number of employés to report the smallest action that is capable of a misrepresentation, to the Government in Europe, which having lost partly through the defection of their own officers all the American Colonies, is doubly anxious to preserve the East Indian possessions, and is but too prone to believe in underhand accusations against its own officers.

The mother country is in continual fears of the defection of the Philippine Islands. Even Spaniards find it extremely difficult to obtain permission to reside at Manila, and many of those who, driven from South-America by the revolution, hoped to find protection from their flag in Manila, were not allowed to land, and even now if a Spaniard arrives at Manila from any part of the globe, without a permission from the Government in Spain, he has to suffer delay and vexation



before he can land, and is under police surveillance during his stay. I saw a young man, a Spaniard, whose brother commands one of the ships trading in rice between Manila and China, by whose invitation he had left Spain, and though not a sailor by trade, had worked his passage out, in the same vessel that brought the last Captain General. This young man on applying for leave to remain on shore, could not obtain his permission, though his brother, who is in good circumstances, offered security that he should not become burthensome to the Government. All his hopes were thus blighted, and he told me with tears in his eyes that he had no alternative but to work his passage back again, as the Government would not even allow him to remain in Manila, until a permission could be obtained for him from Spain.

I have no doubt that the Governor is thus severe not to give a handle for malacious insinuations to his enemies.

The present Colonial Government is naturally of the Christino-party, and therefore has to contend with the clergy who, to a man, are Carlistas, and who draw into their party their numerous dependants and others, a great many over whom their influence is paramount. Should affairs in Spain assume a favorable position for Don Carlos, it is very possible that this party, which I consider the strongest of the two, would openly declare for him and find no great difficulty in gaining over the garrison. The priests are the only ones possessed of much money, and this may be effectually used to seduce the officers and soldiers, the pay of the former being barely sufficient to maintain them. Besides, a great many private individuals are much indebted to the convents, without the means of refunding, and threatening with prosecutions for payment would make them followers of Don Carlos. The Indian population would take no part in this political contest, except if any of the party wish to strengthen themselves with them, and in that case they would side with the priests who have an unlimited controul over them.

The four great sources of revenue in the Philippine Islands, are, the capitation tax, the maritime duties, the tobacco and the toddy or coco-wine monopolies, besides some other incomes, f. i. that tax levied on Chinese, which is said to amount to between drs. 70,000 to 80,000 per annum, and others of less importance.—

A considerable surplus of income is said to be annually remitted to Spain. The greatest expense of the Colonial Government is the maintenance of the garrison, which amount from 6 to 7,000, among which about 1,500 are Europeans, and the rest Indians, the latter officered exclusively by Europeans. The appearance of the troops is very good, and their number more than sufficient to maintain the authority of the Spaniards.

The naval establishment, though also very expensive is not so effective as the military. The former consists of a number of small craft called pontines, intended for the destruction of the piratical Malays who infest the sea to the southward of Luzon and Camarines, particularly in the neighbourhood of Mindanao. A new commander of these naval forces is appointed every three years, and as soon as he obtains his commission, he starts with his squadron to the most eligible spot for the turtle and pearl-shell fishery, where after his arrival the boats are hauled on shore, and the crews set to work; some to get tripang, others dive for shells and others again catch turtle. At the end of three years, after having shifted their station according to the state of the fishery, and destroyed slugs and turtles in great numbers, instead of piratical Malays, the squadron returns to Manila, where the Captain disposes of his spoils to the merchants frequently for upwards of drs. 10,000.

It is no wonder therefore that those seas continue to be infested by pirates, rendering the navigation extremely dangerous to the small coasters employed to carry the produce from the coasts of Camarines and other Islands to the Manila market.—M. V. B.—  
*Correspondent of the Canton Free Press.*

## MARRIAGE OF HINDOO WIDOWS.

The homage paid to the mind is one of the most distinguished fruits of the improvements which society has undergone, since its formation. Before the intellect of man had developed those gigantic powers which have since overcome the most formidable obstacles, and subdued to his controul and service, not only the animated nature, but the very elements themselves, his chief strength lay in his bodily frame, instead of the more exalted part of his nature—the mind. He was feared and obeyed by his companions in proportion to his corporeal powers; and it was seldom that a weaker being could command the respect and obedience of the stronger; they strongly in body ruled tyrannically, and the weaker obeyed slavishly. It was during this uncultivated state of society, that man, the stronger sex, began to lord it

over the weaker, and has ever since continued to assert his dominion more or less as circumstances have either tended to emancipate or to enslave the weaker sex. Hence it is that in savage and semibarbarous countries, we find the weaker sex treated with greater severity, and less respect, than in those that are highly civilized. In the former, the weaker sex, incapable of defending her rights against the superior strength of man, has been subdued by him to such a degree as to be looked upon as his property and not his companion and co-partner, and he has, under the false notion that she is really such, taken upon himself not only to defend her against her enemies, which is his duty, but also to exercise an undue controul over her, as if she had no free will of her own. Thus he guards her motions with a degree of jealousy which may well astonish the unprejudiced and phiosophical enquirer into the works of nature. In regard to the mind, the disparity between the strength of the sexes is less apparent, and it is questionable, whether the intellectual superiority that may be pointed out as existing in man, could not be traced to fortuitous and accidental causes to the system of education and training which he himself has by his superior bodily powers thought fit to establish. On the contrary, in highly civilized countries, where the powers of the mind are more conspicuously developed, the rank which the weaker sex holds is far more respectable and dignified: here her intellect keeps pace with that of man, and instead of being his slave, she enjoys with him a share of his sovereignty over the creation. It is chiefly to these natural causes that we must trace the condition in which we at present find the women of our country. The degradation and hardships they suffer here take their rise, but accidental circumstances to which society, particularly in this country, has been subjected, have since increased the evil.

To treat in particular of the misery entailed on our women by the custom which forbids the marriage of widows, we must trace it to the jealousy with which the stronger sex has been led to guard the possession of the weaker, and to consider her as a species of property which each possessor had a right to dispose of according to his will and pleasure. Not satisfied with such lordly possession during life, he extended his jealousy even beyond it: and though aware, that his connection with worldly possessions must cease at the hour of dissolution, was determined to establish customs whereby the woman once possessed by a man, could not transfer herself to the possession of another, even after death had put a termination to the right of her first possessor. Indeed, among certain classes, so great became the jealousy with which widows were guarded from marriage, that our ancient legislators and sages found it necessary to place some check on the exercise of this undue power over the weaker sex. The evil of it was undoubtedly more conspicuous, in the case of those women, whose husbands died before they had known each

other. The monstrosity of preventing such widows from marrying appears first to have attracted attention, and led to legal enactments. We accordingly find in *Munoo* an express text, declaring the marriage of widows who have not known their husbands to be lawful. He also speaks of "twice married women." The following is a remarkable passage in *Munoo*, bearing to the question at issue. Describing the different kinds of sons, he says, "he whom a woman, either forsaken by her lord or a widow, conceived by a second husband, whom she took by her own desire, is called son of a ~~man~~ twice married." He goes on;—"if on her second marriage she be still a virgin, or if she left her husband under the age of puberty and returned to him at his full age, she must again perform the nuptial ceremony, either with her second or her young and deserted husband." Among Hindoos the nuptial ceremony is not considered consummated until the marrying parties have known each other; a part of the ceremony cannot therefore be performed until the parties have come to the age of puberty. It is in allusion to this custom, that *Munoo* here speaks, and prescribes that a virgin widow, under the circumstances mentioned, "must again perform the nuptial ceremony with her second husband." From which the plain inference is, that a widow, who has known her husband and in whose case the nuptial ceremony has been consummated, may marry again without performing those certain nuptial ceremonies which are prescribed to virgin widows marrying a second husband. Here then we have in *Munoo*—the highest authority among Hindoos, and of whom it is said, that "whatever law is contrary to his, is not commendable," a plain and clear recognition of widows marrying—even of those widows who are not virgins. And what is very remarkable we do not find in this respectable law-giver any passage in which the marriage of widows is forbidden. *Munoo* indeed says, that it is sinful for a widow who has known her husband to cohabit with another for the sake of indulging in sensual enjoyments; but, whatever may be the construction now put by interested Brahmins on this passage, the very manner of expression plainly shews that it is directed against illicit and unlawful indulgence in which the sensual enjoyment is the only object in view. If it were intended to forbid widows from marrying, why have we not a positive injunction to that effect? Why the very followers of the prevailing custom are forced to defend their opposition to second marriage on an inference drawn from a text which recommends second-marriage under particular circumstances?

*Prachin Shrinty* and its commentators, have much clearer passages on this subject. They declare, without limiting the expression to widows who have not known their husbands, that absence of the husband, (without any accounts of him for twelve years) his death, his embracing a life of ascetism, his impotency, and his becoming a *patito* are circumstances which

authorize and require a woman to take another husband.

There are other arguments to confirm us in this opinion. *Munoo* and the other writers usually quoted on this subject were men, and the authority attached to their writings is grounded on the supposition that they were the oracles of the divinity. But *Rām* who lived long after these writers, and whom every Hindoo believes to be the incarnation of the divinity—the divinity himself, has by his examples and precepts thrown a good deal of light on the subject. In the *Rāmāyan*, which is the history of his life and actions, we read of his having sanctioned and superintended the marriage of *Rāban's* widow, after she had several children by her former husband, to *Bhubhison*. He also married *Tārā* the widow of *Bālī*, who also had children by her former husband, to *Sugriva*. These instances are on record; but how many more such instances might have taken place of which there is no record, because they were considered as matters of common occurrence and nothing extraordinary, which could require there being recorded as historical facts. Here then we have the example of the deity himself as a commentary on the texts in question, and we ask what Hindoo will dare to dispute the authority. *Mahābhārut* also furnishes examples of this kind and corroborates the facts in question.

The influential members of society, in an unpolished or semi-barbarous state, though arrogating to themselves undue rights over the weak, are yet the foremost to dictate to their dependents and to maintain order among them with far greater rigour and pertinacity than a civilized race of people would do. Hence we commonly find among the lower orders of the people various monuments of antiquity of which no trace is to be discovered among the better sort. The *Punchait* and *Dusmookhy*, for instance, are yet in vogue among various castes of lower orders of Hindoos; but the better classes have abandoned them and adopted the modern way of conducting judicial proceedings. Thus in regard to the marriage of widows, than which nothing is more common among the lower orders of the people, their example may strengthen the presumption that this practice was once universal: but that owing to the causes we have already explained it was abandoned and an arbitrary and unjust system established in its stead.

It is as well to notice here a passage in Macnaghten's *Hindoo Law*. It is as follows: "Second marriages, after the death of the husband first espoused, are wholly unknown to the Hindoo Law." How far this assertion is correct will be seen by the quotations we have made. In those quotations second marriages, not only in widows who have not known their husbands, but even those who have, are recognized and recommended. Nothing therefore can be plainer than that second marriages are well known to the Hindoo Law. Mr. Macnaghten is a living authority and his authority may have influence on

some, it is therefore but right, now that the subject is under consideration, that he should come forward and shew why, in the face of the clearest records, he has made the above assertion.

But even if arguments were wanting to establish the existence of this practice among the Hindoos of former days, surely the innumerable evils which are now produced by the existing practice would be a sufficient inducement for its total abandonment. Any human being that is acquainted with his own nature and the effects of this climate on it, must admit that the practice of prohibiting marriage must be a source of evils of the worst description. Legislators may enact unnatural laws and tyrants may reduce those laws into practice by means of brute force; but neither the one nor the other can change the course of nature. The very attempt to oppose the order of things established by her supreme wisdom and pervert her course is to bring ruin and destruction on her beautiful works—it is to destroy the economy of the creation and to reduce a paradise into chaos. We could here give a detailed and glowing description of the evils that originate from the practice we are condemning, and illustrate our remarks with accounts that would strike the reader with pity and horror. But we shall not lift up the curtain—we shall not expose to the view of a moral and comparatively innocent public, scenes which cannot but be revolting to their feelings and which are too gross for their contemplation. Suffice it to say that we have known many parents, who notwithstanding the most ardent affection for their daughters, have prayed for their death on the demise of their husbands. This unnatural wish—the sacrilegious prayer is offered up under the idea that death is preferable to dishonor of which the abominable custom we are deprecating is almost the sole cause. This circumstance, for the truth of which we vouch, may convey some idea of the evil—the cause of which continues in full operation, and its awful effects are of course every day being felt and manifested.

This is however one of those subjects which by their very nature are placed beyond the reach of the legislative authorities. We really cannot suggest any means by which our rulers can remedy the evil or even assist in checking it. It is however a great consolation to hear that some of the leading members of even the orthodox party are at present discussing the expediency of permitting widows to marry. The evil is so loudly calling for remedy, that it is rather a matter of wonder that something has not yet been done, than that even the orthodox are disgusted with that which but a few years ago was considered by them as one of the most cherished customs of the country. This spirit of inquiry, which has been at length awakened, we trust, will not be permitted to cool, but in time produce the full measure of good which we are led to expect from it.—*Reformer*.

## RESUMPTION OF RENT-FREE TENURES.

(Continued from page 130.)

The investigation into the nature of the Rent-free Tenures of this country, which has of late been enforced by the Government, appears at the present moment to constitute a favorite subject of discussion. The public prints have within the last few months been employed, some in advocating various measures of improvement connected with the administration of the Law in these cases, others, in reprehension of several recent orders to the State, and of the mode and existing regulations by which the proceedings of the Courts of Justice are conducted. I am glad to perceive that this spirit of enquiry is abroad. The Resumption Regulations (as they are called) have hitherto been little regarded and less understood, except by those personally interested, and occasional disquisitions into the past and present proceedings of our rulers will prove of essential benefit both to the people and to the Government; which latter has met with much undeserved censure. I happened, of late, to have been so situated as to have enjoyed the opportunity of observing the practical enforcement of these Regulations, and I will hazard the remark that the Press appears to me to have been brought into play, before its conductors have made themselves sufficiently acquainted with the nature of the subject upon which they treat. I allude to the Calcutta Press, to which the admirable article in the 4th Number of the Moerut Magazine seems to have given an impetus. I will commence with the *Reformer*, who has not been very moderate in his animadversions, or accurate in the data upon which they are founded. His alleged grounds for complaint are chiefly these:—

1st.—That it is unreasonable to suppose the documents executed 70 years ago could have been preserved to this date.

2dly.—That the Court of Directors have expressly declared their intention that the investigation into, and decision of, these cases should not be entrusted to Collectors, which intention from Home the Local Government has utterly disregarded.

3dly.—That the Subordinate Native Officers of the Courts receive a percentage of 25 per cent. "upon all cases of resumption," in which they may have afforded "useful information," from which supposition he draws the following corollary, viz., that the copies of documents and other papers registered in accordance to the provisions of Regulations XIX. and XXXVII. of 1793, were placed among the Records of the various Collectors; that those Records are in the hands of the Record-keepers, that these Record-keepers keeping steadily in view the prospect of the 25 per cent. destroy or make away with the said written evidences, and that therefore unless the parties concerned double the fees of these officers by a bribe equal to 50 per cent., they have not the slightest chance of obtaining justice. The last is the most serious and moreover the most erroneous charge of all.

There has been much talk of the supineness hitherto evinced by the Government in not sooner adopting—as they have at last done—a decided course which would have enabled them long since to bring these cases to a speedy adjustment. I do not deny but that much unnecessary delay has occurred, but those who censure should reflect upon the multitude of political transactions of vital importance to our interests, in which, until the last few years, this Government has been engaged; and that in point of truth it is only a short period since we have had time to examine into the actual condition and the real extent of our dominions. But to those who would urge that length of occupancy under the *British rule*, ought to plead in favor of the occupants of these lands, I would observe that the Government has never—since its existence—lost sight of its claims upon these Tenures. The different Regulations promulgated from time to time upon the subject were quite sufficient to keep the population aware not only of the undoubted right inherent in the Government, but of its intention to avail itself of it. Mr. T. Law and Mr. Seton, Messrs. Bushby and Holt (I talk of a period before 1793) exercised provisional powers of attachment and release, Regulations XIX. and XXXVII. of 1793, were subsequently promulgated in the provinces of Behar, &c. followed by others, too many to name, all over British India, though therefore many may have grown gray while in possession of their Tenures, yet as that possession has all along been declared to be illegal, of which the occupants were themselves well aware, it is rather hard that this argument should be thrown in the teeth of a Government, who if it has procrastinated its movements, has thereby been sole loser. As to the production of the original documents after 70 years of our rule, it is to be noticed that it is only those who for various reasons and designs purposely neglected to register their Deeds in 1793, and enter at the same time attested copies of their papers, who suffer from the difficulty of producing Deeds of so remote a date; and as the injunctions of the Law were as simple as imperative, and as the penalty for disobedience was distinctly stated, I can yield those who have subjected themselves to it no commiseration. If those who really possessed original Deeds (since lost) by which they held their Tenures, had registered them in 1793 they would have been secure against all future contingencies, and entitled to all the consideration which their documents merited, as that was only the 28th year after the Dower, viz. 1765,—it may be reasonably supposed that the various families still retained their Title Deeds and much of the story relative to

the "70 years" seems to me to fall to the ground.

The order of the Court of Directors (so triumphantly quoted by the *Reformer*) in their letter of the 28th September 1831, is now wholly inapplicable to the state of the question, for Special Officers are almost everywhere appointed. It is however difficult to please some people; for though separate Officers are employed in these duties, the *Reformer* still cavils.—"The only reason," says he, "for the appointment of these Deputy Collectors, appears to be the great excess of work in the hands of the Collectors who cannot pay that vigilant attention to the resumption case as the Government require." What would the *Reformer* have? Really the Resumption Laws seem with him to constitute a malady "nullies medicabilis herbis."

Now to the percentage of the Native officers and others. To the gross and almost ludicrous misstatements that have appeared and remained uncorrected, is to be attributed the present communication. As the *Reformer* has himself corrected his erroneous assertion relative to the percentage allowed to the Covenanted Officers of the Company, I shall say no more than that the following sneering, and ill-judged remark does in my opinion no credit to his columns. "Stimulated by the hope of reward, the Collectors no doubt, find the business of investigating the titles of rent-free lands, a more agreeable task than their other duties, which under such circumstances must be neglected, whilst this lucrative one is ardently pursued." How does this extract square with the one above? Can he not investigate with deliberation and express himself with courtesy when treating on such an important subject? I trust that there will be no more such silly vituperation. It can neither please himself or the public, that a flourish of indignation on one day should be succeeded by an unwilling peccavi upon the second. The *Reformer* is vulnerable more than enough, when he conceives himself alluded to personally; it ill suits him therefore to venture on such ridiculous imputation.

As to the percentage authorized to Native informers, I cannot agree with you that it is excusable; on the contrary, I feel convinced that from the general feeling against the plan it has never been followed up by the various Officers intrusted with these duties. After much enquiry I have not found a single instance where informers of any description, much less Native Officers, have been recompensed. The measure has never had, and has not now, any practical effect whatever. These cases are commonly instituted in two ways—either by the Deputy Collector himself, when by inspection of the records of his office, he detects any tenures of a suspicious character, or by the information and petitions of Kheyr-khahs, as they are denominated. In the first instance there is no information given by the Record-keeper to his superior, but that which is gleaned from the papers in his Sarishta, and which it is his

bounden duty to afford; and in the second, as the Kheyr-khahs, are always interested parties, and generally consist of the dispossessed Malikis of the lands brought to notice, with whom, in the event of resumption a permanent settlement is expected to be effected, their devotion to the interests of the Government has not been considered so great as to merit a premium. If therefore the practice ever existed it has certainly fallen completely into disuse. But were it even prevalent I cannot but think that there would exist good grounds for apprehension on the part of the Government, rather than on that of the people, for rely on it that the vague prospect of a future remuneration, uncertain as to amount, would never be regarded by faithless servants disposed to corruption, (as the *Reformer* seems to consider all Record-keepers) in the same light as the tempting bribe which might be proffered for a favourable 'Kyscut.' Seeing, therefore, that the Special Deputy Collectors are in fact Judges, and have nothing to do with the Collectors, and revising the remark of the *Reformer*, I hold that "proper officers" are "appointed for the task," and that the "poor people" are not called upon to "produce Sannuds 70 years old," where they or their ancestors exercised the simple caution of registry, which was dictated by prudence and enjoined by law.

Well do you say that the "notice given in 1793, must have been present ever since to the minds of the Landholders, to those who sold and purchased Lakhiraj Lands." The knowledge which these parties and their ancestors possessed of the questionable nature of their tenures, will alone account for the very extensive sales and alienation of lands of this description, which will be found upon investigation to have taken place; and for the small sums which they fetched when sold. The natives of this country never were either so improvident or ignorant as many would wish us to believe.

On the whole, Mr. Editor, assuming as I do that the Government possesses the undoubted right of investigation into, and resumption of, the illegally-held rent-free tenures, for which opinion I have sundry cogent reasons to state, should the point be contested, I consider that the defendants in these cases are treated with the greatest equity and indeed with much delicacy. Previous to a final decree they are furnished with the officer's reasons for considering their estates liable to assessment that they may enjoy the opportunity of better stating their objection—free access is allowed for the inspection of the records—no less a period than that of six months is allowed them with the option of an appeal, during which time they remain in possession as before, all detriment falling upon the Government—the Special Commissioner moreover, should he deem it advisable, may in the event of appeal maintain the parties in possession even after the half year has elapsed, upon the very moderate condition of their furnishing such security as may provide against loss should the decision

ultimately prove unfavourable to them—add to this that in most cases where there are good grounds for the indulgence, a settlement is allowed by Regulation XIII. of 1825, to be made with the occupants upon a *Jumma-nisf*—and I hold that these Landholders have been and are treated with singular lenity.

I have heard too, that measures are now in contemplation for securing a provision for life in all cases, where those in possession are ousted. I am not aware of any of the details of the proposed arrangement, but a measure of the kind will be one of the greatest humanity and beneficence, and the gratitude of all concerned, is indeed due to those who proposed it.

These remarks, cursory as they are, have extended to a greater length than was meant. I trust that they will have the effect of inducing those who comment upon the resumption regulations to keep to the point. The publication of erroneous statements and the mere idle abuse of the proceedings of the Government, concocted between prejudice and ignorance, cannot fail to excite still further the general discontent which may be said at present to exist, without at the same time benefitting the parties interested in the remotest degree.—AN ASSISTANT, *Correspondent of the Calcutta Courier*.

The arguments marshalled out by AN ASSISTANT—a signature betokening the youth and inexperience of the writer, are however mostly those which were urged by PHYLLOTHEUS in his discussion with others in the newspapers of Calcutta. A reference to these would have saved the writer the trouble of inditing his letter and his readers that of perusing as fresh arguments what was familiar to them. But as he has come forward, we shall follow him up with some remarks on the subject. The writer commences the attack by reducing our complaints on this subject to the three following charges:—

1st.—That it is unreasonable to suppose the documents executed 70 years ago could have been preserved to this date.

2dly.—That the Court of Directors have expressly declared their intention, that the investigation into, and decision of, these cases should not be entrusted to Collectors, which intimation from Home, the Local Government has utterly disregarded.

3dly.—That the Subordinate Native Officers of the Courts receive a percentage of 25 per cent. "upon all cases of resumption," in which they may have afforded "useful information;" from which supposition he draws the following corollary, viz., that the copies of documents and other papers registered in accordance to the provisions of Regulations XIX. and XXXVII. of 1793, were placed among the Records of the various Collectories; that those records are in the hands of the Record-keepers; that these Record-keepers, keeping steadily in view the prospect of the 25 per cent. destroy or make away with the said written evidences; and that therefore, unless the parties concerned double the fees of these officers by a bribe equal to 50 per cent., they have not the slightest chance of obtaining justice. The last is the most serious and moreover the most erroneous charge of all.

We have no objection to follow the writer in this arrangement of our arguments on the subject; but it appears to us that the first and third of these propositions may be reduced to one, or at least disposed off together; so dependant are they upon one another. Before proceeding it is however necessary to correct an error into which AN ASSISTANT falls regarding the grounds of our complaint. He is, it seems, determined to believe that we question the right of a Government to inquire into the extent of its possessions and resume to itself such lands as might upon inquiry appear to have been fraudulently withheld from it. We do no such thing; on the contrary, we have repeatedly stated that considered in the abstract, we would deny to the Government the right of alienating any portion of its possession from the service of the country at large for the purpose of giving it away to certain favoured individuals. Viewing a Government only as trustee for the people, and not *absolute* owner of the country, we maintain that it cannot, without violation of duty, deprive them of any portion of their revenue. But then considering the peculiar circumstances under which India came into the hands of the English and the pledge which the former Governors-General were obliged to give in consequence of those peculiar circumstances, we are obliged to look upon the question between the British Indian Government and its subjects as an exception to the principle. Whatever may be the other features of the question, the Indian Government, in the name of the British nation, are pledged not to disturb these possessions, and it is necessary that they should not violate that pledge: first, because, if they do, they cannot secure the confidence of the people; and secondly, because it would be an act of injustice and would form a dangerous precedent for future Governments. These are the reasons on which we have come forward to condemn the conduct of Government in the present instance, and not from any personal or interested motives which we have ere now clearly disclaimed. We have already informed the public that we have nothing to do with rent-free tenures on the one hand, nor on the other are we employed, as AN ASSISTANT, under Government, who may hope to get 500 per mensem added to his salary for writing articles in its favour on the subject of resumption.

But to return to the question of the right by which the rent-free tenures are held: there are but three ways of proving the right title of the rent-free holders, viz. The production of the original *sunud* bearing date prior to 1765, the evidence of living witnesses, and the official registries made in pursuance of the regulations which have been promulgated to that effect. The two first kinds of proofs it is utterly impossible to produce. We have no witnesses now who can speak of transactions that took place prior to 1765. And we have already shewn that, in consequence of accidents and risks to which documents in this country are liable, very few, if any, can

produce papers of a date prior to the above period. Indeed these difficulties were so pointedly felt in the time of Lord Cornwallis, which was only 29 years after the above period, and even before, that that nobleman considered the occupancy as a sufficient proof of the right of individuals to be allowed to continue in possession. The registry then remains as the sole proof by which it is proposed to test the claims of individuals, and one on which AN ASSISTANT lays no little stress. This registry, it is true, was ordered to be kept in a very careful manner. One copy of it was to remain in the office of the Collector, another to be filed in that of the judge of the district, and a third copy was directed to be transmitted to the Board. Such were the orders on the subject: but these orders were not followed up in practice. Instead of keeping regular books of registry and authenticating each entry by the signature of a coveted servant of Government, only copies of the sunuds that were presented were kept in the archives of the collectorates, without any authentication and without any duplicates or triplicates being sent to the judge and the Board. There can be no doubt that papers kept in this loose way would be entirely at the mercy of the record keepers. As things stand these documents can be modified or reduced in number *ad libitum*. Numerous instances are known in which copies of sunuds were never filed, and yet by paying a sum to the record-keeper the copies were found in the record, whilst many, who had registered their claims according to the regulations, but refused to satisfy the corrupt umlahs, had the registry of their sunuds struck out from the record. At present there is no registry or copy in any Collectorate on which the least dependence can be placed. If there had been a regular registry of these claims we cannot conceive what use there would be of making any further investigation in the matter. If all the authentic sunuds have been duly registered, and the people informed by repeated proclamations that none who had not registered his claim would be entitled to the consideration of Government, then the Government possess the means of settling the whole affair at once. They need but publish that by their registry they find such and such lands are properly rent-free, and such and such not being in the registry are accordingly resumed. But this has not been done, and cannot be done for this very good reason, that these registries, if they do exist in some office, cannot be depended on. If this is not a plain argument to nullify all that has been urged on the ground of these registries, we confess we cannot find another that would produce conviction in the case. If AN ASSISTANT be a fiscal officer of Government, let him look into the records of his office, and ascertain if any registries exist, in what manner they have been kept, whether they could not be subjected to interpolation and other abuses, whether they can be depended on, and such other particulars as he may consider calculated to throw light on

the subject. Let him do this and inform himself of the particulars of the subject before he ventures to write upon it again.

On the subject of the percentage allowed to informers, AN ASSISTANT has a whole paragraph devoted to the exposition of an error, into which we fell some time ago, and which was corrected by the *Hurkaru*. From the year 1793 to 1808 this percentage was allowed by public enactments, and after rescinding that regulation, to 1819 by a circular order to which none but the functionaries of Government have access, was afterwards withdrawn in a similar manner by a resolution of Government dated the 19th June, 1828. The latter fact did not come to our knowledge, and we argued on the supposition that the order of 1819 were yet in force, until set right by the *Hurkaru*, when in the very next number we explained, and pointed out how the correction had made our case considerably stronger. This is the head and front of our offence, and to the exposition of this the writer in the *Courier* has thought fit to devote a whole paragraph, calling our unintentional error "gross mis-statement." So far for his fairness and courtesy, of which he makes so great a parade. The following is a remarkable passage in the letter of AN ASSISTANT on the subject of percentage:—

"As to the percentage authorized to Native informers, I cannot agree with you that it is excusable; on the contrary, I feel convinced that from the general feeling against the plan, it has never been followed up by the various officers intrusted with these duties. After much enquiry I have not found a single instance where informers of any description, much less Native officers, have been recompensed. The measure has never had, and has not now, any practical effect whatever."

Here is a confession that the Regulation offering bribe to informers is honored more in its breach than in its observance. Can any thing be more self-damnatory than the above extract. It is precisely against this regulation that we have been arguing, and after leading us a round-about way to various ramifications of the subject, the writer comes at once to the point, and fairly gives it up! This is surely a novel way of making defence, and we would strongly recommend to Government the expediency of encouraging such advocates with increase of salary adequate to their zeal, industry, and *tact* in managing the cases they undertake to defend. "A labourer is worthy of his hire"! But to be serious, if this regulation be such as AN ASSISTANT describes it, why in the name of common sense, not rescind it at once? Why allow it to stand as an anchor of hope for the informers, and then in practice deprive them of the reward they expected for affording "useful information"? We have heard of honesty among rogues, which leads them to be faithful in the sharing of the booty they acquire, and which is certainly a redeeming feature in their general character. Is our Government to be denied even this redeeming feature? Such indeed is the natural inference from the premises laid down by AN

ASSISTANT; but we hope, for the credit of Government, it will not receive confirmation, by the circumstance of allowing such a regulation to stand unrepealed. If this promise of percentage was made only to be broken, the circumstance does but add to the foulness of the blot, whilst it serves in the hands of the corrupt amlahs, as a pretence for extorting money from the people. Let the case be considered in any manner the Government cannot be justified.

AN ASSISTANT has much to say on the treatment of the rent-free holders. The whole force of the argument rests on the "delicate" and "equitable" manner in which the claims of the parties are investigated and the time allowed to them for appeal. But what is all this compared with the disappointment which is caused by resumption of lands, the occupancy of which has been considered by former Governors-General as furnishing a sufficient claim to undisturbed possession, which in many cases have been accepted by Government as securities for the conduct of their financial and other responsible officers, which have been sold by Government functionaries for the recovery of defalcations, and other public dues, and which have on these very accounts fetched higher prices. The hope of undisturbed possession thus offered to rent-free land-holders, was more fully confirmed by the proceedings of the *Bâze zemîn Dufter*. This was an office established previous to 1793. Its business was to investigate the claims of rent-free holders. During its continuance, investigations were made, some lands resumed, and others given up to the owners. The people accordingly concluded that their claims had passed the ordeal, and were satisfied that they would not again be tried. The present owners of these lands, assured by so many concurring circumstances and the long silence of Government that their possessions would remain undisturbed, have made their arrangements for the transmission of these possessions to posterity, and have spent upon them large sums of money and much labour. They are now, however, to be deprived of these possessions if they cannot produce a registry which does not exist, and which, if it did ever exist, was liable to all the abuses which we have already pointed out; particularly when the record-keepers were interested in making out a good case for Government. The comparison between these hardships and the delicacy shown in the investigation of the rent-free cases, cannot, therefore, be considered as just and equitable.

Towards the conclusion of his letter AN ASSISTANT says "that in most cases where there are good grounds for indulgence, a settlement is allowed by Regulation XIII. of 1825, to be made with the occupants upon a *jumma-nisf*, and I hold that these land-holders have been, and are, treated with singular lenity." This is certainly a strange way of administering justice. If the titles of these land-holders be valid, they ought, certainly

to have the full benefit of it; if on the contrary their claims be invalid, they ought to be deprived of all the advantage derivable from such invalid titles, and the Government ought to resume the whole in behalf of the nation. Justice cannot admit of compromise, and this arrangement of *nisf-jumma* is a perfect anomaly in the civil jurisprudence of any enlightened country. But the fact is that this *nisf-jumma* is accepted with the view to avoid appeal from the decision of the Collector to the established tribunal where the defendant has a much better chance of justice than he had in the Collector's Court. In short it is an amicable arrangement offered by Government in the capacity of the successful complainant, to prevent the defendant from appealing to tribunals where he stands a better chance of obtaining justice than in the Court where he has been cast, and this only in cases where the Government are satisfied that their claim is a doubtful one. But in all cases in which they are sure of success, such compromise is never sanctioned. It is therefore provided in the very regulation, that such *nisf-jumma* will be made with the parties by a special report to and under the sanction of Government. So much for the lenity and justice of this arrangement.

Before proceeding with the subject, we must, however, correct a slight error we fell into in our last, regarding the dates of the different measures adopted by the Local Government in this matter. We ought to have stated that section 13 of Regulation XIX of 1793, authorizing a commission of 25 per cent. on the *jumma* of such rent-free lands as may be resumed, to those Collectors who may be the successful prosecutors in these cases was rescinded by 2d clause of the 2d section of Regulation II of 1819, instead of in 1808, as we stated in our last. It is worthy of notice that just as the Government rescind that public enactment by another public enactment; they immediately make offer of the same premium to the Collector by a private circular, in fact the measures adopted in the year 1819, in this regard, resolve themselves into a transfer of a public and open offer into a private and secret one. The reader will no doubt be surprised when we tell him that this was done during the administration of the Marquess of Hastings, the moral rectitude of whose measures in other respects no one has been able to impugn. But why was this done? were the authorities ashamed of declaring to the public what they were not ashamed of doing privately? The transaction scarcely admits of any but an affirmative answer to the query, and we apprehend the most devoted advocates of Government will not in this instance be able to clear it from the imputation of acting interestedly, whilst professing liberal principles before the public.

The following extract from a letter of the Honorable the Court of Directors to the Bengal Government, dated the 23d June, 1830,



will at once prove all we have been asserting as to the practical operation of this odious law.

"In the report for 1815 for the Lower Provinces the Superintendent says a considerable number of new suits filed, have for their object the annulment of resumption and assessment made under the Provisions of Reg. 2nd. of 1819. It is of great importance that the Government should be correctly informed of the mode, in which the powers vested in collectors under that Regulation and Regulation 7 of 1825 are exercised. No documents sufficient to explain the matter fully have hitherto been brought before us, but it is evident, from the reports and statements of the Superintendent, that instances of great injustice and oppression by the Collectors have occurred, and that the party aggrieved has had no redress but by an application to the Courts, who have reversed the decision of the Revenue officers. Every report of the Superintendent refers to some cases of this kind.\*"

This is surely an account of the practical operation of the law in question—an account authenticated by the sanction of one of the highest authorities in the British Indian administration.

A comparison of the circumstances under which the Collectors acted at that period with those under which they act now will prove that, instead of being more lenient towards the rent-free holders, they have every inducement to be more severe in the practical operation of the existing resumption laws. Regulation 11. of 1819 provided, under certain conditions, that if the defendants chose they could appeal their case from the Collector's decision to the regular judicial tribunals: but this privilege has been taken away by the 2d and 3d clauses of section IV. of Regulation III. of 1828, by which the extraordinary judicial power is vested in the Collector, and he is thus made almost omnipotent in the matter. Now from these facts we argue thus:—if when the Collectors had less power, and their defendants had the privilege of appealing their case to the regular judicial courts, they did *injustice* in the practical operation of the resumption laws, as is clear from the extract we have made from the letter of the Court of Directors, how much more injustice they must now be committing when they enjoy more power, and when their defendants have not the privilege of appealing their cases to regular tribunals! Extraordinary instances of particular lenity may be found at the present enlightened and reforming era; but these must be only exceptions to the general practice of which we have not been informed. Man is the creature of circumstances, and will generally act as he is influenced by them; we have therefore every reason to believe that the Collectors, situated as they now are, do act in a worse manner than described by the Court of Directors.

On the subject of compromise offered to defendants by Government, the *Courier* has the following observations.

"The *Reformer* rejects the principle of compromise as "a perfect anomaly in the civil jurisprudence of any country!" as if it did not occur every day both in and out of Court, and were not sanctioned by many parliamentary examples. A judge must decide a case upon its merits when it comes to a hearing, but he may and does often recommend an amicable settlement. The party, to whom a compromise is offered, is not bound to take it, and will not do so if confident of his right."

Justice, by its very nature, admits of no compromise: it must be either for one or the other of the litigating parties: but amicable arrangement in doubtful cases (in which justice is always compromised) is no anomaly. It is even justifiable between subjects and equals: but between Government and its subjects, especially a Government like ours, built on the foundation of ancient despotism, and ruling a nation habituated to slavish submission to the tyrant's will, the character of amicable settlement becomes very different—it is like the adjustment of claims between the lion and the fox, which has given rise to the proverb of the lion's share.

We now come to the subject of the appointment of Deputy Collectors. Before treating of the Deputy Collectors now appointed we shall lay before our readers a few unquestionable authorities which condemn the investiture of judicial functions to fiscal officers, particularly in cases in which the Government are the complaining party. It is an admitted fact that before 1793 the service was in a very corrupt state, and much tyranny and injustice was practised over the people. Even then a Mr. Law, one of the Collectors of those days, reprobates the resumption Regulation. The following is an extract from his letter to the President and Members of the Board of Revenue, dated 25th September, 1788.

"The revision of *sunuds* must always be expensive, troublesome and alarming to the landholders, and in general unprofitable to Government; no Collector has time, his delegate therefore may terrify, extort money, and release estates, and as I before ventured to suggest "It appears unjust to molest any one in possession without the appearance of an injured party," and for this purpose in my letter under date the 23d June, 1788, I recommended that the head as-istant should be prosecutor on the part of the Company with a percentage, and the Collector decide the claims in the *Adawlut* from which an appeal lies to either party. The Natives cannot then complain "of their inability to assert their rights, the Judge being interested in depriving them of their estates and consequently anxious to avail himself of any trivial defect."

"The assistant will be active to benefit Government from mutual interest, but being unable to determine, he cannot abuse his trust and as his proceedings must be public, he will not discredit himself by litigious claims; the holders also under good tenure will thus be at ease, relying upon the fixed Laws; but when the same person is Judge, party and ruler, he may privately work upon the fears of many, and though I never knew of the operation of this influence, yet a Government should avoid granting so dangerous an authority, and this is the obnoxious argument, against the former appointment."

Now our readers will observe that, even so far back as 1788, when according to the no-

\* The italics are ours.—Ed.

tions then prevalent, many acts of Government which would now be denounced as political transgressions of great magnitude, were considered justifiable on the ground of expediency, the investing of judicial and fiscal powers in the same functionary for the trial of cases in which the Government was a party, was reprobated. The same principle we find recognized by the Marquess of Cornwallis, in the following extract from the preamble to Regulation II. of 1793.

"All questions between Government and the landholders, respecting the assessment and collection of the public revenue, and disputed claims between the latter and their ryots; or other persons concerned in the collection of their rents, have hitherto been cognizable in the courts of *mâl adawlut*, or revenue courts. The collectors of the revenue preside in these courts as judges; and an appeal lies from their decisions to the board of revenue, and from the decrees of that board to the Governor-General in Council in the department of revenue. The proprietors can never consider the privileges which have been conferred upon them as secure, whilst the revenue officers are vested with those judicial powers. Exclusive of the objections arising to these courts from their irregular, summary, and often ex-parte proceedings, and from the collectors being obliged to suspend the exercise of their judicial functions, whenever they interfere with their financial duties; it is obvious that if the regulations for assessing and collecting the public revenue are infringed, the revenue officers themselves must be the aggressors; and that individuals who have been wronged by them in one capacity, can never hope to obtain redress from them in another. Their financial occupations equally disqualify them for administering the laws between proprietors of land and their tenants. Other security therefore must be given to landed property, and to the rights attached to it, before the desired improvements in agriculture can be expected to be effected. Government must divest itself of the power of infringing, in its executive capacity, the rights and privileges, which, as exercising the legislative authority, it has conferred on the landholders. The revenue officers must be deprived of their judicial power. All financial claims of the public, when disputed under the regulations, must be subjected to the cognizance of courts of judicature, superintended by judges, who, from their official situations, and the nature of their trusts, shall not only be wholly uninterested in the result of their decisions, but bound to decide impartially between the public and the proprietors of land, and also between the latter and their tenants. The collectors of the revenue must not only be divested of the power of deciding upon their own acts, but rendered amenable for them to the courts of judicature; and collect the public dues, subject to personal prosecution for every exaction, exceeding the amount which they are authorized to demand on behalf of the public; and for every deviation from the regulations prescribed for the collection of it. No power will then exist in the country, by which the right vested in the landholders by the regulations can be infringed; or the value of landed property affected. Land must in consequence become the most desirable of all property; and the industry of the people will be directed to those improvements in agriculture, which are as essential to their own welfare, as to the prosperity of the state."

The motives which induced Lord Cornwallis to promulgate the above regulation, may be further known by the following observations which he recorded on the occasion in a minute which, together with the above regulation, received the approbation of the Court of Directors:—

"The proposed arrangements only aim at ensuring a general obedience to the regulations which we may institute, and at the same time impose some check upon ourselves against passing such as may ultimately prove detrimental to our own interests, as well as the prosperity of the country. The natives have been accustomed to despotic rule from time immemorial, and are well acquainted with the miseries of their own tyrannic administrations. When they have experienced the blessings of good government, there can be no doubt to which of the two they will give the preference. We may therefore be assured, that the happiness of the people, and the prosperity of the country, is the firmest basis on which we can build our political security."

By the regulation III. of 1793, the Government are placed precisely in the same position as their subjects; which fact further shows how necessary that good and eminent statesman Lord Cornwallis considered the separation of the two capacities in which the Government are alternately placed; viz., that of party to the suit and the Judge of the case by their right to rule the country. The following extract from the preamble of the regulation we advert to explains its tenor:—

"To ensure to the people of this country, as far as is practicable, the uninterrupted enjoyment of the inestimable benefit of good laws duly administered," government determined "to divest itself of the power of interfering in the administration of the laws and regulations in the first instance; reserving only, as a court of appeal or review, the decision of certain cases in the last resort; and to lodge its judicial authority in courts of justice; the judges of which should not only be bound by the most solemn oaths to dispense the laws and regulations impartially; but be so circumstanced as to have no plea for not discharging their high and important trust with diligence and uprightness," it was resolved, "that the authority of the laws and regulations, so lodged in the courts, shall extend not only to all suits between native individuals, but that the officers of government, employed in the collection of the revenue, the provision of the Company's investment, and all other financial concerns of the public, shall be amenable to the courts, for acts done in their official capacity, in opposition to the regulations."

From the above quotations it is evident beyond dispute, that a pledge was given to the people that the fiscal officers of State would not be constituted Judges, especially in cases in which the Government were a party. These pledges, confirmed as they are by acts of Parliament, (57 Geo. 3, Sec. 142) are reiterated by the Court of Directors in their letter to this Government, dated the 28th September, 1831.

In regard to the recent appointment of Deputy Collectors to which the *Courier* directs our attention, we have not heard of more than one or two instances in the Bengal Presidency. But even if these appointments were more general, the evil would scarcely be remedied. The Deputy Collectors are after all not judicial but fiscal officers of Government, and stand precisely in the position of those functionaries whose deputies they are, and a portion of whose powers has been transferred to them. Whilst this is the official character of these functionaries, their being in a lower grade than the Collectors plainly points to their youth and inexperience in the service.

Such then are the people in whose hands is to be committed some of the most difficult cases which a judicial officer of state can be called upon to decide. Is not this trifling with justice, with the rights of the subjects, and with the orders of the Court of Directors? When the stamp law was submitted for the sanction of the authorities in England, they were acted on even by anticipation; but here another order is passed by the same authorities disapproving the arrangement of placing the Judicial power in the hands of fiscal officers, and the Local Government will not attend to it even at this late period. This is certainly unaccountable on any justifiable ground.

Our object in all we have said on this subject has been to reprobate the union of fiscal and judicial powers in the same functionary, in cases where the Government is a party to the suit. We should now wish either the *Courier* or his correspondent to point out how by the appointment of the deputy Collectors the grievance we complained of has been removed. The deputy Collector, by virtue of his office to search out lands, subject to the claim of Government, is in the first place an informer to his own tribunal, he is secondly to assume the character of complainant; thirdly, of a judge to decide his own claim; and fourthly, of an executive officer to dispossess the proprietor of the land by virtue of a decree passed by him in favor of himself. So that in fact he is here informer, complainant, judge, and the executive authority. This is precisely the same state of things we have been complaining of in reference to the Collector. The difference in the designation of these officers is nothing to the purpose: it is the actual union in the same person of the different jarring functions that we have enumerated which ought to have been remedied. But this is not done by the appointment of

Deputy Collectors, and though the authorities in England may be deceived by a change in the official designation of these functionaries, in reality things continue just where they were before. When this grievance was threatened in 1828 the people submitted a petition to the Local Government: it was rejected. They then appealed to the authorities in England: it was heard and the Local Government directed to remedy the evil. In what manner they have since acted has been already explained, and clearly proved that no reform has been made in the system. Now we wish the *Courier* will inform us what step the people have next to take. All legitimate and lawful means have proved unavailing, let us hear what must now be done to obtain justice. This is a question to which we beg our contemporary's particular attention, because it is a question which we dare not answer.

In the midst of the general gloom with which this subject is surrounded, we perceive but one enlightening ray of hope. The subject is now under the consideration of the Legislative Council; we have at the head of public affairs a nobleman who has just come from a country where the people breathe a more free political atmosphere, where the rights of the people are better understood and more respected—a nobleman who has already afforded us several proofs of his liberal views in England by advocating the cause of the people, and from whom we therefore expect much good for this unfortunate country. The rights of the people of India are as sacred as those of the people of England, the whole country is therefore confidently looking forward to a period when some modification will be made in the laws, to which the rent-free lands are now subject.—*Reformer*.

(To be continued.)

## SHEKAWATEE FORTS.

During the stay of General Stevenson's force at Seekur, I made a short excursion to visit the hill fort of Deogurh, sometimes erroneously called Lohagurh by Europeans. The road distance is about 7 miles in a S. E. by S. direction; the country composed chiefly of undulating sand, is poorly cultivated, and in general overrun by an aromatic species of artemesia, called bunna by the Shekawats. Deogurh is built on a high, steep and rocky ridge, running from N. N. E. to S. S. W. which is the general direction of the chain which traverses Shekawatee, of which this ridge is an integral part, but not immediately connected with the great mass. The road up is on the S. E. side of the hill, and consists of a series of zig-zags, about 10 feet wide, and constructed of stone. The summit is between 700 and 800 feet above the plain,

and may be reached in about 10 minutes; but at an average it would require double that time to ascend. The stones are so smooth as to be very slippery, and the best part of the way up, is exposed to the fire of the fort, and at all events to large stones, of which a good store is at hand, to roll down on the assailants. The only protection would be the thickets of euphorbia and various thorny trees which grow plentifully on the hill side. The rock is quartz-clay, slate and mica-slate. The fort consists of a double enclosure, of which the centre, occupying the highest part of the summit, is pretty regularly planned; but the exterior works are compelled to adapt themselves to the rocky winding ground on which they stand. The interior fort is a parallelogram, of which the half towards the N. N. E. is much lower than

the other towards the S. S. W., which latter is the highest ground of the fort, and containing the residence of the killadar; it is cut off from the lower portion by a wall, so as to act as a kind of keep, should the remainder of the place be taken. The same precaution is observed at Rughoonauthgurh. The former has but 4 bastions; the latter 7, of which 3 are on the S. W. face. The masonry of these works does not appear to be very substantial or tenacious; but its defects are concealed in most places by a coating of plaster; the walls are probably merely rubble with a facing of good masonry, and there are no walls in the place, but the area of the upper fort is almost wholly occupied by subterranean cisterns, said to be 20 feet deep, supplied, I believe, chiefly by the rain water which is carefully conducted into them from all parts of the works; these reservoirs are covered in by an arched roof. The inner or upper fort may comprise an area of about 100 yards by 30 or 40; but it is so encumbered with small chambers, magazines and intricate passages as to render an accurate estimate of its dimensions difficult. The exterior work consists of a wall and towers running all round, and including all such spots as might afford a favourable lodgment to a besieger. These exterior walls are in some places not above 12 feet high. On the whole, I should say, Deogurh was a very strong place, and well worthy of the confidence which the Seekur chief places in it as a last resource and refuge in time of danger. To a native army it is impregnable, unless reduced by famine. The face of the hill which fronts Seekur is so rocky and precipitous as to be quite inaccessible; on the S. S. W. the slope is regular, but very steep; on the S. E. front, in which is the gate, the ascent is both steep and very rugged, with the exception of the zig-zags; and to the N. N. E. the ridge suddenly falls some 40 or 50 feet outside the walls, and is moreover excessively rugged, and almost as narrow as the bridge *Al-Lirat*. It would be no easy task to establish a battery on this site, and when accomplished, the fort is in a considerable degree masked by the shoulder just mentioned, which serves as a natural glacis to the works. The place, indeed, could not long resist a bombardment; the effect of shells in so confined an area, encumbered by numerous buildings, and abundance of stones, would be great—though I imagine diminished, in some respects, by the deep reservoirs of water, in which many of them must expend their force. There are some rocky eminences outside the fort to the S. S. W. but apparently beyond gun-shot range. The fort of Deogurh is a romantic object as seen from Rewasa, Seekur, &c.; and commands itself an extensive prospect over the sandy downs of Shekawatee. Kho or Rughoonauthgurh is seen to the N. E. Rewasa fort to the eastward, on a parallel ridge to Deogurh, about 500 feet high, and two miles distant. Luchmungurh, Khuror, &c., are also visible; but the most conspicuous ob-

ject is the lofty hill and temple of Bhyroujee or Hursh-nath,—being S. by W. about 6 miles; its distance from Seekur is 8 or 9 miles. The appellation Hursh-nath is derived from a small Goojir village called Hurrush, at the northern base of the mountain, facing Deogurh. Here commences the ascent by a well constructed road in the form of zig-zags, composed of large stones, in about a mile it reaches the summit, along which a path runs for another mile nearly, in a S. W. direction to the temple. This is situated on the highest part of the summit, and is said to be close upon 1,400 feet above the plains below. The whole mountain is overgrown by a jungle of small thorny trees, bamboos, euphorbia, while the sandy plains at its base are covered in many places with the acacia, byre, kurreela, artemesia, &c., with abundance of antelopes, deer, neelgaes, quail and rock pigeon: the hills are infested here, and about Rughoonauthgurh with leopards and wild boars. The N. W. face of Hurrush mountain for about half its height presents a succession of enormous precipitous crags of quartz and mica-slate, fronting the N. W. as at Deogurh; close to the brink of this stands the temple, a plain spire 70 or 80 feet high, distinctly visible, nearly to Sambhur on the south, and to Jhoonjhnoo on the north. It is sacred to Mahadeva, of whom its small chamber contains the symbol in the form of a marble lingam. A porch, about 25 feet square and twelve high, supported by a quadruple row of stone pillars, forms the entrance on the east. The whole of this edifice is of stone, quite plain, with the exception of the basement, in which some sculptured pieces from the adjoining ruins have been occasionally introduced. It is but a modern structure, built by Shoo Singh, grand-father to Luchmun Singh, the late Raja of Seekur. But in the vicinity, in ancient days, there must have existed a really splendid temple, the ruins of which are strewed all over the summit, displaying far greater taste and attainments in the arts of sculpture than are commonly believed to have been known to the Hindoos. It was overthrown, as I was informed by a Brahmin on the spot, by the Patnan King of Dehlie, Allah-Ud-Deen, in one of his expeditions to the Dukhun, because, as my informant added, the idea was intolerable to a devout and true believer that the kafirs should possess a temple nearer heaven than any Moselem Mosque, and thus enjoy the prerogative of stealing a march on the faithful in their prayers and praises! Contrary to the usual Hindoo custom, the best part of the ruins have been somewhat rudely and confusedly re-edified into two chapels, only remarkable for the beauty of their materials, one being dedicated to Seva, the other to *Bhyroo*, from which latter the mountain is generally designated in the adjacent districts. In the inner chamber of the former is a four-faced Phalus, the mystery of which is contemplated in silent adoration by a great bull (Nundi) in white marble, reclining at an awful

distance outside the sanctum sanctorum; on the walls of which in alto relievo are seventeen admirably executed female figures, each about three feet in height, of stone, and in wanton postures, meant apparently as an obeisance to a similar but loftier image in the corner, perhaps Dabee, the Queen of Heaven. On a slab, now quite misplaced, in forming a part of the roof, is represented a procession of musicians, buffoons, and other regal attendants preceding a personage on an elephant; the whole of this group is executed with great truth and spirit; the musicians, especially, exhibit all the gesticulations and ruffian aspect which characterize their descendants at a modern nautch. The outer court is supported by many stone pillars, most richly and tastefully carved; and in the walls are numerous pieces of sculpture, representing long and varied processions of men, women, elephants, horses, very beautifully and deeply carved, but on a much smaller scale than the figurantes within. On a large slab of black stone, about 3½ feet square, lying on the ground at the entrance, there is a long inscription of which several gentlemen procured fac similis. "The characters resembled the Nagree, of which, indeed, they are but an early form, but sufficiently removed from the modern type to be illegible to the pundits of these degenerate days. The whole inscription has since been decyphered by Dr. Mill of Calcutta, and reveals the name, and date, of the founder, and some other particulars perhaps not quite so authentic. The work was commenced in Singha Raja's reign, A. D. 961, and finished in 973; this chief was of the Chowhan race, once so powerful, and extensively diffused as to afford monarchs to Dehlie, Ajmere, &c.; but now so reduced that the lineal descendant from Partheo Raj, King of Dehlie, considers himself fortunate in being allowed by more powerful neighbours to retain possession of the small hill fort and village of Neemraud, a few miles from Shahjahanpur, between Rewaree and Narnowl. The inscription goes on to acquaint us with the amazing fact, that the eternal Sambhoo, who created, supports, preserves, pervades, and will finally burn the universe, not only in but by the twinkling of an eye, once chose to "sit upon this mountain," to receive the homage of Indra and the court of Sverga, (whom the Asoor Irissura had forced to abdicate and pass beyond the seas, like the Steward faintly before Cromwell and the Asooric Puritans!) on their restoration to "their native Heaven" by the victory of the said Sambhoo over that devil incarnate Irissura! From the *harsha*, or joy, so universally diffused by this happy event, the mountain received the name of Hurush; and the God his of Hurush-Deo or Nath. Further, that a certain Brahmin "obtained the consent of the deity himself" to the plan of raising the temple on this New Moriah, and that the builder "being commanded by the eternal Sambhoo, who desired to give an undefiled site, and endued with essential holiness to his own sacred name," com-

menced the work accordingly; and, lastly, that when it was finished the temple was endowed with lands and villages "through divine love to Sree Hurrush"—"the revenues of which are now enjoyed by the gods"—a mistake, no doubt, for their ministers, the Brahmins, who, close on this occasion, brought to the notice of the Raja the fact that such gifts "are the common causeway of virtue and religion!" The establishment, however, is now so scanty, that it would appear some profane ruler had resumed these gifts, even at the risk of incurring the many thousand years residence in hell, which the shasters denounce, as the certain fate of such spoilers of church property, and its *unalienable* rights!

The temple of Bhyroo is close to that of Siva, and like it contains many columns, most elaborately ornamented with carving, but merely supporting low, mean chambers containing large graven images of Bhyroo, his mother Dabee, and others of the celestial crew, all bedaubed with red paint. "Bhyroo-jee-ke-munder" is the common reply in Shekawatte when one asks whose is the temple on this mountain. Several divine statues, of dimensions greater than human, lie about the temples, many of them much mutilated, and close to the cliff's edge, over which it is probable the zealous Moslems precipitated many more. But this was not the first time "the gods descended in the likeness of men" in the Hindoo and other mythologies!

Many cornices, friezes, pillars and other architectural remains, very elegantly sculptured, lie scattered in every direction; some of the ornamental designs are really beautiful, and betray no traces of that monstrous bad taste so common in Hindoo sculpture: the material is a fine-grained sand stone, of a pale pink color, resembling that which is seen to such advantage in the beautiful Palaces and Mausolia of Deeg, Goverdhun, &c., and perhaps from the same quarries at Roopbas.

The view obtained from the temple is very extensive, and embraces the greater part of Shekawatte, though from the elevation every object is so much reduced to a general level as to render but few towns or villages perceptible in the vast russet colored plain which spreads away to the north and west. The salt-lake of Rewasa appears beyond the ridge on which that fort stands to the S. E. and forms a fine feature in the landscape. Roopgurh, belonging to the Koorh Chief, appears on an isolated hill S. by E., and in the same line nearly, but more distant, the strong hill fort of Danta, and several minor ones. The Hursh mountain falls suddenly to a much lower elevation, a little south of the temple, and then runs along way south, forming with the parallel Rewasa ridge: a narrow extended dale, abounding with herds of neelgaes, which are here never injured by the natives, being held in religious veneration from their supposed affinity to the cow. The fortress of Rughoonathgurh or Kho, is 15 miles E. by N. from Seekur; to the Rana of which it

belongs in common with Deogurh; but since General Stevenson's raids, both these forts are garrisoned by our troops, consisting of a detachment from the 22d Regiment, at Islamabad, Deogurh only being honored by the commanding presence of a European officer. From the neighbouring plains Rughoonathgurh presents the appearance of a large fort, perched on the rounded summits of a lofty hill, very steep, and completely separated from the high ranges which rise behind it. Between Sekur and the hills nothing occurs but the usual monotonous sand-drifts, which will never be forgotten by those who have traversed Shekawatee, more particularly that fortunate branch of the Army, charged with the task of dragging the battering train through them, when with "all appliances and means to boot," men, elephants and bullocks, a mile per hour was at times the cheerful progress made, with a thermometer far from the freezing point! On approaching this fort, however, all is changed, and instead of the shifting sands there is nothing but rock. The road enters a gorge in the first range of hills, and after proceeding about 400 yards, encounters a wall flanked by four towers, which extends across the narrow valley, to defend the town of Kho, which is built inside. It is rather extensive and regular, and has, I imagine, been a place of some consideration, but at present bears too evident marks of neglect and decay. Many of the houses are in ruins and many greatly dilapidated. I was told that there is but one well, a bazaar, and a tank, the latter containing water only during the rainy season. Such a scarcity of water would add materially to the difficulty of investing the fort. Immediately above the town to the S. E., there is a small square fort, encompassed by low outworks; it is called Girno, and I should say is about 400 feet, perhaps more, above the town, which it completely commands. On this side it is quite inaccessible; but towards the upper fort, a neck of land connecting it with the main hill, is sufficiently level to admit of guns being brought to bear on it at a small elevation; having first, however, the task of drawing them up 500 feet, over a path as steep, rugged and narrow as that to Paradise itself! Rughoonathgurh itself is seen, far above, to E. by N. distant by the winding ascent nearly two miles, which may be accomplished in half an hour. Passing through the town, in about quarter of a mile, is a deep and very narrow gorge, with precipitous sides of black rock, 150 feet in height; the rock is in vertical strata, running at right angles to the ravine; it consists of a very hard, black, glistening slate, which extends upwards but a short way, when it is replaced, to the summit, by white quartzose rocks. This gorge is the outlet to a great body of water in the rains, collected in the thousand gullies and furrows of the hill above; it has every appearance of having been excavated by their action; but in the warm season a very small rill only, of pure water, trickles among the masses, which have

fallen from the cliffs on each side, affording a minimum supply of excellent water, which the people affirm passes through the solid rocks from Lohagalee, and was obtained as a boon on the payment of one lac and a half of rupees by the Raja to certain Brahmins, whose constant clamours, thus stimulated, so stunned the gods, that for the sake of peace and quietness as well as on account of the innate virtues of these twice-born men, they caused this stream to gush from the flinty rock! It is curious to contrast the simplicity of the means resorted to, on a similar occasion, at the base of Horeb, by Amran's son, when the stroke of a miraculous wand proved itself fully as efficacious, as the rupees and prayers in this instance, although, when we learn incidentally, as we do at Dent. ix. 21., that there was a flowing stream already in existence at Horeb, the necessity of the miracle is not so illustrious as its facility.

From this gully the path ascends a wearisome way by very steep, narrow and rugged zig-zags, very unlike the excellent paved roads up to Deogurh, Khetree, Patun and Hursh-Nath, most of which may be accomplished on horse back, or at all events on ponies: though the policy of smoothing the assailants' progress seems rather questionable. "A great gulf fixed" extends to the left of these zig-zags; and as this portion of the ascent is commanded by Girno fort, to which it is also the only path, a short visit enabled me to discover, possession must be obtained of this latter position before operations could well be commenced against Rughoonathgurh. The mountain, indeed, is covered with jungle trees of sufficient size to aid considerably in getting up Artillery, and when in leaf it would afford a notable screen to the besieger's employment of making a road, which would be an indispensable preliminary. After ascending about 500 feet, a path way, nearly horizontal, strikes off to the right hand to Girno; the main one becoming worse and worse, till near the summit it passes between two small but well built redoubts of masonry, of which, that to the right hand contains a large supply of water; the other is unfinished. I saw no obstacles which could prevent these being taken by escalade; and once gained, they would afford an admirable position for batteries, as they are within 500 yards of the walls, which are completely exposed from this site, the interval being level, or merely a gentle slope towards the N. E. This is the only spot from which the fort could possibly be attacked; but my stay was too short to admit of an exploring excursion to discover whether there is no other road up to it than that exposed to the fire of Girno—I was informed that there was such, to the southward, and our knowledge that the approach to the Shekawatee forts invariably by the most impracticable ground, as at Khetree and Patun, renders the account probable. At the narrowest end of the fort, indeed, or that next to Lohagalee and Oodehpore, there is a ridge of rock beyond the walls, but I should imagine it inaccessible, though the strongest works,

and apparently the latest constructed, are raised inside and above this front, and seem destined to defend the spur of the hill from the chance even of being occupied. On the western side, the hill and fort are divided by a very deep valley from the range next the plains, of which the town occupies the lowest part. To the S. E. the declivity is equally abrupt into another profound rugged valley, which separates Rughoonathgurh from the still loftier range of hills in that direction, extending N. E. and S. W. The cliffs at Lohagulle to the E. by N. from the N. W. exposure of this range, which must be 300 or 400 feet above the fort; the summit is tableland, or at least a very easy slope, furrowed by deep rocky gullies. The waters of this valley flow partly towards Lohagulle, and partly in the opposite direction. S. W. by S. till they are deflected to the N. W. by an immense labyrinth of deep ravines, and after reaching the sandy plains pass before Kho towards Pursrampoor, where all the waters of these hills are collected and form, I believe, a large jheel.

The fort of Rughoonathgurh is estimated to be 1,370 feet above the level of the adjacent country; it consists of a double enclosure, like Deogurh; the extreme length of the outer works is, as well as I could make out by having much rough ground, about 800 feet, the greatest breadth about 270; the general form being that of a rude oval, the longer diameter of which points about N. N. E. The inner fort is about 230 feet by 80, with six bastions, viz.: 4 at the angles, one in the centre of each of the longest sides of the parallelograms. These dimensions are only to be accepted as an approximation to the truth. The inner fort is placed near the S. S. W. end of the outer one; about one half of its area being occupied by covered reservoirs of water, besides which, there is a puckah tank of excellent water immediately outside its walls. The exterior walls are flanked by 15 bastions: and towards its N. N. E. extremity, the main enclosure is entrenched by 3 bastions and a curtain, by far the strongest works in the place. The masonry of the rest is neither very thick nor compact; and is still further weakened by the multiplicity of loop holes with which it is perforated. The excellent limestone of Khuror is so near that the S. W. works at least should have been constructed with it. The outer gate on this side is quite ludicrous as a barrier; but the inner gate is plated with iron; and is also protected by an unfinished circular breastwork. The section of the curtains of the upper fort gives only seven feet thickness, the parapet wall being 8 feet high and only 2 feet thick, with a double banquette of 2½ feet. The bastions have a parapet of 6 feet by 2, with a banquette of 5 feet; at first sight these bastions appear very substantial, and what is technically called "full;" but in reality each of them is so hollowed out as to contain small chambers for magazines and the use of the garrison. The exterior defences are still calculated to resist artillery or

even an escalade, the elevation outside varying from 9 to 12 feet, the greatest thickness of the walls being not above 5½ feet, while the parapet is but 2½. The three large bastions before mentioned, in the N. E. quarter of the outer enclosure, are also hollow. In short, the fort could not hold out against heavy ordnance for eight and forty hours, and was never built with such a design; the obstacles to an assailant are chiefly natural, though it must be confessed considerable skill has been shewn, in the disposition of the subordinate defences, which cover every avenue to the place, as well as every spot from which an enemy could advantageously annoy it: the inner works stand on higher ground than the exterior; the greatest fall is towards the N. E. and N. W. faces, amounting to trifling. The quantity of Artillery in the fort is considerable; and in calibre and efficiency contemptible: less so however, than Deogurh. It seems most probable, the best part of it was removed and concealed on the cession of the forts, for which there are ample opportunities in the neighbouring hills and jungles. The entire mountain is indeed covered with wood, almost to the fort; and even the exterior enclosure produced an ample supply of hill-bamboos, which have since been greatly thinned by the company's garrison. Besides the main gate to the S. W. there are small posterns in several parts of the walls, now built up with rubble. The date of Rughoonathgurh is posterior to that of Deogurh, and does not, I believe, go back 50 years; some additional works seems to have been contemplated, but only commenced.

The views from the fort of the adjacent hills approach in character the magnificence of the Himalyah scenery; but at the period of my visit, April, the plains were enveloped in clouds of dust and sand, while at the fort the air was serene, and of a delicious temperature, contrasted with the furious warm gusts beneath. I found with a celebrated personage in Eden—

\* Of pure, now purer air  
Meets his approach, and to the heart inspires  
Vernal delight and joy, able to drive  
All sadness but despair."

To the S. W. by W. beyond Girno Gurhee, a valley is seen among the hills filled with pure white sand, as if it were a bay of the sea just forsaken by the tide! The level of this sand appeared 200 or 300 feet above that of the neighbouring plains, or of the valley of Kho, from which a range of hills divides it. On a hill side, near the town, there are excellent quarries of white sand stone, which is extracted in great slabs, and forms the apparent export of the place.

From Rughoonathgurh there is a *pygundee* down to Lohagully, of which I was not then aware, and proceeded by the main road outside the hills which are continuous from Kho for about 5 miles, where a narrow gorge suddenly appears to the right among the lofty hills, forming the entrance to the valley, and as stony and rough as can well be conceived,

being indeed nothing more than the bed of a torrent in the wet season. A short distance inside the mouth of this pass there is a very fine stone bowlee, 96 STEPS in depth: as well as a large monastery close by, in which reside 30 or 40 fakerees; the founder of these was one Chetun Das, a rich Dehlie bunneah, who convinced that "all, all on earth is shadow, all beyond is substance," like Bishop Berkely, became an ascetic, and for 12 years, the remainder of his life, performed penance in a small Chetree or Chapel on the lofty pinnacle of Moll Kate: and by this acceptable mortification of the body, became as celebrated a Tapasya, as John, Anthony, Pachomius, or Saint Simeon Stylites who in the golden age of Christianity in Syria, attracted universal applause and veneration, by standing on one leg on a lofty pillar, like one of our Bengal adjutants, for about 40 years; as the Monkish guide informs Childe Harold in Portugal—

"Lo! in yon cove Honorous long did dwell,  
In hope to merit heaven by making earth a hell."

The early inhabitants of the globe, pressed on every side by want, difficulties and dangers, seem, in their ignorance and fear, to have formed their gods in their own likeness; after their own image—

"Gods partial, changeful, passionate, unjust,  
Whose attributes were rage, revenge, or lust."

They were greedy, ferocious and cruel, and they imagined that the gods were altogether such as themselves, and delighted in, and were appeased by gifts, sacrifices, and sufferings; their mythology always connected itself with extraordinary facts in natural history and scenery; and their deities were supposed to reside in the most savage and inaccessible localities; in gloomy caverns and woods, on lofty peaks, covered with eternal snow or vomiting forth smoke and fire, and convulsed by earthquakes, and to manifest their anger and power by tempests, thunder, eclipses, comets, inundations, &c.; Pope's beautiful personification of superstition must recur to every one—

"She, midst the lightning's blaze, and thunder's sound,  
When rocked the mountains and when groined the ground,  
She taught the weak to bend, &c."

The magnificent cliffs, &c., of Lohagully, must have had "a natural tendency to produce a conviction of the existence and agency of supernatural beings; to quell and subdue the spirit with a sense of its own weakness and insignificance; and to excite those emotions of awe and solemn adoration with which an inferior nature instinctively contemplates the visible indications of danger undefined, wrath irresistible, and power uncontrollable." It is remarkable that while the secluded, wild and stupendous sites in nature should have been selected for the seats of the gods, their ministers have, for the most part, so ill confirmed their taste to that of the immortals, as to prefer and to appropriate to their own use the most beautiful and fertile spots on the face of the earth, as may

be seen exemplified in the situation of the Romish Monasteries all over Europe. From the boulee of Chetun Das the gorge winds for about a mile, becoming more and more confined and rocky; till at length the path emerges from it, and enters a valley extending a considerable distance to the right and left towards Rughoonathgurrh and Oodehpoor. Nothing can surpass the grandeur of the scene, which now bursts on the eye of the pilgrim; immediately before him rises the stupendous, scarped front of the mountain, falling in a perpendicular precipice of naked rock fully 1,000 feet, and of noble breadth, facing the N. W. The general continuity of the summit line of this magnificent wall, is broken by a rocky pinnacle, rising perhaps 300 feet higher, and crowned by a small temple. The name of this pinnacle is Moll-Kate, whom I take to be the Sakti or feminine principle and energy of Mahadava, in his form of Sri Horsha Deva—the god of joy; perhaps the same goddess that Tacitus alludes to as worshipped by the ancient Germans under the name Malbrued, of whom our Saxon ancestors till very recently preserved the memory by the celebration of bacchanalian songs and orgies to the honor of Malbrook. But perhaps if the word be spelled "Mal Khet," "the field of wealth," it will allude to the heavenly treasures which are there laid up by the otherwise poverty stricken hermit. Viewing these grand precipices from below, one would suppose their summit to be that of the mountain, but from Rughoonathgurrh the rock is seen to slope up from it gently a long way to the true summit: from the plains, the precipices are entirely concealed by the first range of hills, as well as the valley of Lohagully itself. The transverse diameter of this last is about  $\frac{1}{2}$  of a mile; in some places very stony, in other places well cultivated, an easy ascent leads to the base of the cliffs, and the sacred cisterns—the wells of salvation to thousands of Hindoo pilgrims. This valombrosa is beautifully shaded by majestic burr and mango trees, which "high over-arched embower" many elegant quadrangular edifices for the accommodation of the gods, priests, fakerees and pilgrims. There are several cisterns, but the one in greatest request is at the very foot of the cliff, and certainly one cannot look up and around him here without a sensation of awe, or wonder at least; the site is admirably calculated to nourish the superstitious emotions which, if we judge from the nature of most of the Hindoo scenes of pilgrimage, are rife in the national temperament. The chief reservoir has the title of Soornj-Koond; it is spacious enough to admit one or two dozen people bathing at once; the water is very clear, and in April was not above two or three feet deep, and though in a constant state of ebullition, is not so hot as to prevent small fishes from swimming about in it. In the middle of the day in February, when the thermometer was at 75° in the shade, it rose 10° degrees more in the water. The officiating priests were civil, and so liberal as



to make no objection to dogs being baptised, and washing away their sins, and that, too, gratis, a privilege not conceded to the *rational* pilgrims. The Brahmuns were only anxious that we should not molest the baboons, peafowl and pigeons, which frequent the cliffs and lofty trees in great numbers. The picturesque appearance of the precipice above the Sooruj-Koond, is greatly enhanced by a brace of burgut trees, which have established themselves in the clefts of the rock, sending down their roots a long way for a supply of food and water, not procurable above. These cisterns feed a small rill, which flows down the valley, and is used to irrigate the gardens and cultivation. There is another series of warm springs called the Keroree or Korowlee Gunga, about 2 coss from Oodehpoor towards the fort of Kot, but these I did not visit; they form a portion of the pilgrims circuit, and are said to be warmer than those of Lohagully. The latter, I understand, had a temperature of 99° at one period of the cold season. Various fables are current among the Hindoos accounting for the origin of the estimation in which those springs are now held; one tradition assures the pilgrim that their waters miraculously dissolved the iron fetters by

which one of the five Pandoos was bound by the victorious Kooroos near Delhi; another legend equally authenticated, acquaints us that a celebrated warrior, Pooroosh Ram, having slain his mother, was directed by Siva, as an expiation, to travel till he found a fountain, the waters of which would, as an earnest of his purification from the crime of matricide, melt an iron mace; a prodigy which was happily accomplished here, and in commemoration of which the place has received its name, Lohagully—"the iron melter." The credulous and orthodox Hindoos are assured, and sometimes believe, that the waters still possess the same virtues, but to put them to the test of experiment would be to tempt Mahadeva, whose temple is in such awkward proximity, that the god could hardly fail to hear, see and revenge the words and actions of so impertinent a sceptic. But the spirit of David Hume rests not at Lohagully, and though the Hindoo may be persuaded that the age of miracles is past, it is still quite possible that the waters should retain their pristine power of purifying from sin, which I myself am nearly convinced they actually do, which myriads of weary pilgrims never doubted in their lives, and never will.—*Delhi Gazette.*

## ACHEEN IN 1704.

Acheen in the N. W. end of Sumatra, is the metropolis of a kingdom of that name in latitude 5 deg. 20 min. N.—A port very considerable for the great quantities of goods sent yearly thither from all parts of India; whence returns are made chiefly in gold-dust: they have camphir and sapin wood; but what the whole country produces is so inconsiderable, as not to amount to the value of one ship's cargo in a year. The commodities imported are opium, saltpetre, rice, gee or buffalos butter turned to oil; and all sorts of cotton and silk manufactures from Bengal. Tobacco, onions, calico and muslin, especially brown and blue long cloths, and sallampores, with several sorts of chintz, for cloths, and sometimes gunpowder from Madras; and from Surat the Moors employ two large ships a year to import the produce of that country; besides, the Chinese glut the market with their commodities; nor are the Malays themselves wanting in trade with large prows to Pegu, Quedah, Jahore, and all their own coasts: whence they are plentifully supplied with several necessaries, they otherwise must want: as ivory, bees-wax, mortivan and small jars, pepper, &c. This last is the proper growth of the island but not of this part of it. On the arrival of a ship, the Shabander must be applied to for the liberty to trade. At the great Qualas river or mouth, those that are first ashore are examined by the guards, who presently give notice of their coming, to the

officers, whose province it is to settle the preliminaries; which is only a formal oath to observe the articles, made between the Company and the Acheens, by Mr. Henry Grey; and to be faithful to the King and country during their stay. This is administered by the Shabander, or his chief officer's lifting, very respectfully, a short dagger in a gold case, like a sceptre, three times to their heads; and is called receiving the chop for trade. It ought to be performed by the gravest, most knowing, and men of the best appearance: in consideration of the ill consequences, a false step in the beginning might render one liable to in managing one's affairs at court afterwards. The Company had formerly a factory here; but not answering the end, it was recall'd; to this day they have great privileges, which if an Englishman would enjoy, he must pass for one belonging immediately to them. Other nations pay five to eight per cent. custom on their cargoes, as they can agree with the Shabander; the way of late is so much on the whole: But the English are at no other charge than the usual presents to the King and courtiers, amounting to sixteen or seventeen tale in the whole, viz., two pieces of fine cotton cloth at the first coming, and two more on departure to the King: to the eunuch that delivers the first present, two or three tale, and about two tale to him that delivers the last: for the four first boat-loads of goods you send

ashore, one tale and half as an acknowledgment for custom; and two pieces of calico of silk to the Shabander, and head oronkoy or chief minister of state, which are to be delivered with the first present that is sent the King; these give each a fat capon in return. If one would be very exact, I am told, 'tis five tale fees, two pieces of taffita of two tale each to the Shabander, and two more to the head oronkoy. The next step to be made is the taking a house to land, and secure goods in, which may be had from eight to sixteen tale a month; they are generally out of repair, unless by good fortune one can meet with them just left by some other merchant. They are raised on posts about three foot from the ground, which the constant rains and floods make absolutely necessary; for otherwise there would be no living in them above one quarter in a year; their floors, partitions, and side, are of split bamboos, and the middle parts of cocoa-nut branches; and thatched with rushes, cocoa, or palm-leaf, thick enough to keep out the weather. This is but an ordinary security against thieves, who are a plentiful cattle in all the Malay countries, notwithstanding the severity of their laws; wherefore the servants, or some of the ship's company, ought always to be on the watch, to prevent any designs of that nature on the house: besides, it is but necessary, that they be very apprehensive of fire, which often makes strange havoc among these reedy buildings. Our dogs are in great esteem, more for the baseness of their natures than any excellency in them; these upon the least appearance of a stranger, presently set up a howling, by which means their masters know of the approach of their friends or enemies; for the houses are joined as in other cities, but palisadoed every one by itself; except in two or three of the chief streets, where the bazar is kept, and the China camp, or street where the Chinese live. Europeans live as near one another as they can, and though their houses do not join, yet a few bamboos only part their yards: whence they have a long street near the river wholly to themselves. Every one keeps what fire-arms he can muster in some convenient place, for his security, which otherwise would be in danger from the treachery of the common people; notwithstanding the strictest orders from court to the contrary.

A thief detected, is punished with the loss of a member, from a finger to an arm, and banished to some of the Islands off the Head: Pulo Gomes, and Pulo Wary are the chief receptacles of these unfortunate wretches, whence they often return to the city, and are common in the streets without hands or arms; the greatest badge of infamy. Criminals for capital crimes are frequently put to death; but I could never learn their way of proceeding to condemnation, or execution: yet do believe them to be very expeditious after the eastern way, in them both.

Here are no boats, as at other ports, to be hired for unloading or shipping off goods,

wherefore we ought to have our own in good repair for that purpose. Mr. Delton has large ones, and may accommodate us: but 'tis not good to rely on courtesy. In buying and selling, we ought to mention what catty we must receive or deliver goods by, as well as what rate we must receive or pay gold at, which is much oftener used in merchandizing, than the coin of the country: especially in considerable bargains. To receive a thousand pounds in gold mace would be an endless trouble: counterfeit ones in silver, brass, and mixed metals being so common, that 'tis impossible to avoid them, tho' we have one or two money-changers to examine them for us: They judge of them by their sound on the bottom of a wooden dish, and are so nice, that in a hundred, they often refuse sixty, which the next takes after the same manner, leaving above half for bad; tho' it may be, what he has made choice of, are not a jot better than the rest: however, if any are received by these fellow's advice that prove so base, as to be refused by every body, they are obliged to give good ones for them, in consideration of which, they are often honest than otherwise they would be. 'Tis an easy matter to cheat 5 or 6 per cent. in gold dust, by mixing small bits of other metals with it, which none but men of experience and judgment can detect: wherefore 'tis advisable to have one of these examiners by at all receipts, who probably may discover those defects we over-look, and often hinder our being imposed on. I know not if they are accountable for all the damage we receive in bad gold, it is but reasonable they should: since they are as capable of abusing us in this as in money. Though gold is found here in greater quantities than at any place I know, yet the demand for it keeps it at a very high rate. The current price, June 1704, was tale 7. 2. per buccall of toz. 10 dwt. 21 gr. the current exchange from fort St. George is 2 pagodas a tale, which is not so much by 24 fanhams per buccall as the gold will produce in the mint, for it generally, holds out above 9½ matt, or 92 touch, and makes a buccall worth 14 pagodas, 33 fanhams, 48 cash.

A merchant of Madras let out pagodas 1000 at 16 per cent. Respondentia on the Stratham, for this place, which he received in gold dust at the above rate, and lost 18 per cent. on it in Malacca: betwixt which markets there is often a greater disproportion in the value of gold.

The camphir this country affords, is found among the Sindy Islands only, and is often a proper commodity for China, where I am told it serves as a leaven to ripen or prepare common sort, that our apothecaries are supplied with, which is not above one fortieth part of the value of Acheen or Borneo camphir. We had a considerable quantity on board for Canton; but could not get within thirty per cent. of the prime cost; however we were obliged to sell all but 12 catty, which afterward turned to a good account in Persia, where we had above four shillings and six

pence per oz. for it: It is usually packed in bamboos to keep it from the air, a pound or two in each. The best sort is in small bits or scales, very white and transparent; but the common is like large sea-sand in form and colour. We paid for the head 4½, belly 4½, and four tale a catty Mallay for the worst sort, which is above half a crown an ounce; if we value the tale as the Company formerly did in their books.

Great traders have large ovens, or blind-houses to secure their finest goods in, from fire, which sometimes comes with that violence, they have scarce time to stop them before the flames are about their ears. Some of them are as large as the common shops in London, arched about 8 foot high, and are the only houses (I may call them) built with brick or stone in all the city. The entrance is very narrow, and three or four foot high, to which they have a large stone always ready fitted to stop on occasion: besides the common door that secures it against thieves. If we go to buy goods, or pay a visit, 'tis much but they will lead us to their ovens, or ware-houses for assortment, or to satisfy our curiosities with a sight of the greater part of their wealth, every thing being set in the best order for appearance.

In money, 1,400 to 1,600 cash are a mace, or 15*d.* English, as the Company formerly reckoned it. 1,500 is the number allowed in accounts. A quarter of a mace is called a pollam or copong, imaginary. 16 mace is one tale. The tale is imaginary likewise, as a pound in England; and as 15*d.* per mace, amounts to the same exactly. This I have known allowed when there has been a necessity for reducing it into English money; but it is a very uncertain calculation: nor can I think of a juster way than by computing a buncall of gold at the price current, which makes it 17*s.* 4*d.* at 4*l.* an ounce; the full value of it, considering 1 or 2 per cent. is often allowed for loss in melting. Seven m*is*t, and sometimes six Surat rupes are worth a tale, as are three dollars and half.

The buncall P*z.* 1*oz.* 10*dwt.* 21*gr.* is divided into fractional parts, as  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$ , and  $\frac{1}{16}$ . Sometimes 5 tale weight are reckoned a buncall; but I never saw it used otherwise than in the even parts as above, 20 buncalls are 1 catty Mallay of 30*oz.* 17*dwt.* 12*gr.* troy, or 2*l.* 1*oz.* 13*dms.*  $\frac{3}{4}$  avoirdupoise. 200 catty Malay is 1 bahar of 422*l.* 15*oz.* One and half China catty is commonly reckoned 1 catty Malay, which brings three peccal China equal to a bahar, but should one buy after that rate, one should be above 26*l.* loser in every bahar, for three China peccal will not hold out above 396*l.* This is a very necessary caution; since I have known several sufferers, through neglect in examining the disproportion in these weights; however, here may be several things governed by custom, where 'tis in vain to contend for the reasonable part; as Madras, China, and Japan copper are always delivered four chests, of each a peccal, to a candy, which is 628*l.* for 600*l.* Opium is

always delivered three chests to a bahar, which we sold for 220 tale. Madras long cloth of 31 pagodas per corge, sold 20 tale. Ditto blue for 23 tale. Ditto brown of 26 pagodas for 17 tale. Red Bengal taffety for 16 tale. Ordinary Bengal romalls of 8 pagodas at Madras, for 5 tale per corge of 20 pieces. \*

Money changing is a great trade, whence we are sure to meet with abundance of that profession at their stations up and down the town, especially at the corners of streets; where they sit with large heaps of leaden case, on matts spread on the ground before them. I could never learn the profits of this business: whether they have so much per cent. of the Government for putting them off, or do buy them of others at a cheap rate, I know not; but 'tis certain, their gain is very considerable, else they could not keep their families out of it; some of them not changing a tale in a day. They have all sorts handy-craft trades among them, as in other cities; but not workman enough to make any thing fit for exportation; the goldsmiths are such bunglers that I never saw the least touch of ingenuity come from their hands, though they are most of them Indians from the Coromandel coast, and Surat; where the goldsmiths work with the greatest curiosity and niceness imaginable. Masoning is what they understand least; nor are there many tailors. A blacksmith will have two, sometimes three heats to make a sprig of two inches long. If they are dexterous in any thing, it is building; for with bamboos they'll run up a house beyond credit: we stay'd here but 13 days, and in that time, I saw one begun, and almost finished, that would yield nine or ten tale a month. They know but little of turning or carving: nor do I remember to have seen any thing of that nature about their houses, boats, or prows. These are well built, and proper for the uses they put them to. The prows will carry fourteen or fifteen ton, and are chiefly employed in profitable voyages to the coasts of Pegu, Malacca, &c. But their flying prows are only for fishing, coasting, and visiting the islands thereabout. Sometimes, I am told, they run out to the Nicobar islands, which is the longest trip they make. These are so narrow, two men cannot stand a breast in the widest part of them; the bottom is a long canoe, or tree hollow'd without a keel, the sides are raised with planks about 3 felt above it, bending a little inward, till near the top, where it turns out bell-wise. The planks within half a foot of each end are left as sharp as possible, not pointed like a wherry, but perpendicular an edge; the canoe juts out beyond the other part of the vessel, and when laden is quite under water; the rudder is like a wooden knife, with which they steer very dexterously; to keep them upright, they have out-layers on each side, with planks of light wood at the ends of them, which secure them so well from over-setting, that they will bear the greatest sea, and when an English pinnace with two sails will go five miles an hour, these with a small one will run a dozen.

Europeans often go out in the night to shoot wild hogs, sometimes with success. Hog deer are common in the bazar; these the country people catch in burrows in the woods; they are about the size of rabbits, hog-headed, and shank'd and hoof'd like deer; their hocks are often tipped with silver for tobacco-stoppers. In this animal is found the bitter bezoar, called *Pedra de Porco Siacca*, valued at ten times its weight in gold; they are oftener found about *Bencalis* than any where else, whence the Dutch of *Malacca* get them in their trade thither. They are of a dark brownish colour, smooth on the out-side; but the first coat being broken, they appear darker and stringy underneath; they swim on the water, and by infusion only, make it extremely bitter: to it are attributed the virtues of cleansing the stomach, creating an appetite, and sweetening the blood. I have been told there are stones bred in the maws of the *Nicar* pigeons not inferior to the bitter bezoars, in several cases.

Goat and false bezoar of *Surat* and the *Malabar* coast, are so often called porcupine and monkey bezoar, that several people of good intelligence have confounded the one with the other: the porcupine bezoar is found in the maw of that animal among the *Spice* islands. It is reddish, and full of short transparent veins, something like the red sort of marble; it is used by infusion, and turns the water bitter; but does not waste itself like the bitter bezoar of *Siacca*: it sinks to the bottom, and must lie a considerable time before the necessary virtues can be extracted.

The monkey bezoar is of a bright green colour, and bears a greater lustre than goat bezoar; it is taken in powder, and reputed a very high cordial: some of them will weigh half an ounce, which is valued at forty or fifty rupees. Whereas the best oriental bezoar that is usually brought home from *Surat*, called monkey bezoar, because of its length, is bought for 2½ to three rupees per tola, or 6½ to 7½ rupees an ounce.

There are other bezoars, as cow's, camel's, elephant's, and bezoar de *Cobra Capella*, of all these I brought with me to *England*; but do believe, what is sold in *Surat* for cow's and camel's bezoar, is no other than a composition; however, Chinese are very fond of it, and prefer it to the best goat bezoar; though it bears not a quarter the price in the countries, where they are both found. The elephant, and cobra-capel (or hooded snake) bezoar is brought from the coast of *Zanquebar* about *Mombas*, and *Melinde* in *Africa*. To the former are attributed the virtues of goat bezoar; but being very rare, it is of greater value. They are bought and hoarded up by great and speculative men: therefore seldom or never to be found among the brokers in the bazars. Some of them will weigh nine or ten ounces: but for an account of the virtues, and a description of the bezoar de cobra-capel, I recommend the reader to *Mr. Taverner's travels*.

Here are good servicable little horses, rarely above thirteen hands; they are often

brought to *Madras*, but never come to a great price.

The fruits of this country are all the sorts that are common in other parts of *India*, in the greatest perfection; as oranges, pumplensuses, mangusteens, mangoes, plantains, cocoa-nuts, jakes, lymes, pine-apples, water-mellons, pomegranates, guavas, durians &c. Yet I do not think they are to be used with freedom, as in more healthful places, where they are less delicious; a severe flux being often the consequence of an immoderate use of the fruits of this kingdom.

Whether it is the moistness of the air, that renders our bodies liable to that distemper; or what else may be the cause, I know not; but it is certain, there are several places where it is scarce known; though they live ever so intemperate, expose themselves to the greatest heats and cold, and enjoy the fruits of the country without the least regard to health. *Gombroon* in *Persia* has recovered those who have almost despaired; but I could never hear of any one who made his exit of that distemper got there.

The mould of this part of the island being deep and pregnant, affords great variety of trees, and shrub wood for timber and firing, of which I know so little, that it is not worth while to enter into a particular discourse of them. Silk-cotton trees grow in the back and in gardens of the town. They are large, tall, smooth rinded, ash coloured, and thick of the fruit, which hang down from the boughs like so many purses, three or four inches long. They grow in a more regular manner than other trees. The lower branches are always bigger and longer than the rest, shooting forth three or four at one height round the trunk; and four or five feet higher are many more; but the distance is not so great near the top.

When the cotton, or rather down, is ripe, the wind shakes down the pods; wherefore the ground is always thick of them: for it is not worth gathering, being of so little use as to bear no price in the bazar. If any one wants a bed or quilt to be stuffed with it, he usually picks it up, or hires one to do it for him, wherever he can find it. The shell or case opens first near the stem, which runs quite through it, having on all sides rows of black seeds like vetches, or pepper wrapt up in the cotton, which nature seems to have designed for their preservation.

The natives are *Malayans*, who speak that language in perfection, which is very copious and fluent, as I have it from those who are masters of it. They are hard favoured, and have flatish faces, something after the *China* make, but of very dark complexions; they oil their bodies often, and smell disagreeably with it; their teeth are blackened by art: they are of a middle stature, proud and lazy, especially the meaner sort, though they are better set, and of stronger growth than the *Indians* of the *Coromandel* coast, of whom here are so many, slaves to the great men and merchants, that it is a difficult matter to distinguish them from the free subjects; for they are treated

rather like friends and companions than servants, by their masters, who value themselves on their justice to, and number of them. To these the Acheenes owe the greatest part of their husbandry in managing their crops of paddy, or rice, which was hardly known on this part of the island, till these were driven hither by famine from Fort St. David, and other places on the Coromandel coast. There are not a sharper, wiser people in general, and more addicted to trade than the Malayans, wherefore they have full power to exercise their talents, every one as his genius leads him, without molestation or hindrance from his master; but rather has encouragement and assistance in money and credit; they keep a just account of all their dealings, and the master comes in for a part of the profit, who is also executor at their decease. They do not live with him; but up and down the town and country in houses, and plantations of their own; where they taste but little more of slavery than the name. Unless they prove ignorant, simple fellows or knaves, who are but one degree better than beasts of burthen, and then they are made such. I cannot tell if they are obliged to be of their master's religion, which is Mahomedanism after the Arabs. They have several mosques (which I had forgot when I mentioned the ovens only to be built with brick or stone) built with strong stone walls to perform their devotions in, where I have heard them at prayers all the night long. Hence I am apt to think there is no particular hour appointed for the meeting of a congregation; nor did I perceive them more reserved in their behaviours on Fridays, their sabbaths, than at other times. They are punctual in washing at certain hours, which they think also very wholesome for the body, even when severely afflicted with the diseases of the country, especially fevers and fluxes; but agues are rather confirmed than decreased by it. These are the distempers that chiefly reign here, often got by intemperance, sleeping in the air, to the sorrow of many a boon companion, who, in spite of admonition, has given himself up to riot, and lost his life for a frolick. Here are great dews, and the air is so chilly, though near the line, that I could afford to sleep in a close chamber on a bed, and covered with a thick quilt, which in an other place, of a much higher latitude, would have been enough to have stifled me. Frequent squalls in the driest season, make it troublesome walking in the streets; for, being on level ground without stones, they are soon trod to mortar. These storms are often accompanied with thunder and lightning, and continue very fierce for half an hour, more or less. Our English sailors call them *sumatras*, because they always meet with them on the coast of this island. I was not here in the rains or wet season; but from others I have a melancholy idea of it. For sometimes the floods are high enough to bear a pinnace in the streets, and soon after too shallow for a canoe: yet deep enough to keep Europeans to their houses.

Their common dress is a piece of blue calico, wrapped in a roll round their heads for

a turban, or instead of it a scull cap, and a small clout to cover their nakedness; the better sort wear long-drawers, and a piece of silk, or wrought calico, thrown loose over their shoulders. They go bare footed for the most part; some will use sandals, but they find them very troublesome in long walks: a sandal is a piece of thin board, about the length and breadth of one's foot, raised at each end with a little bit of wood to the height of our shoe-heels; and in the fore-part a small peg comes up betwixt the great and second toes, to keep it from falling off.

They are at present under the Government of a king, which has not been long: I know not if he is ruled by the *Oronkoys*, as the queens used to be. These are twelve lords, who are all absolute in their precincts; but the *Shabander* makes the greatest figure. The following is an instance of his power and authority.

Two days before our arrival, a Moorman (or a Mahomedan born in the Mogul's dominions) in the king's service, was accused before the *Shabander*, for attempting sodomy on a Malayan boy; he was summoned once or twice, but refused to appear; upon this, half a dozen of the guards were ordered to bring him alive or dead; they met him in the European street, half drunk, obstinate and unarmed, they did not stand long to convince him of his error in contemning their master's commands; but immediately cut him down with their scimitars; he fell against Captain *Murvil's* gate, where the blood was scarce dry when I saw it; had he got into the Englishman's yard, they would scarce have attempted his life, but what became of the business afterwards I know not. All dispatches and decisions of controversies in merchandize, are in the *Shabander's* commission; wherefore it is always advisable to keep fair with him.

Malayans at work or play, are never dressed till their naked daggers are in their girdles: nor do they ever walk abroad without swords and targets, or other weapons in their hands, besides the daggers. They look on all Europeans with a jealous eye: I think with justice too, considering their neighbours have been such great sufferers by them. They will not allow the Dutch to trade in their port, but on extravagant terms; wherefore they are seldom visited by them. And though the English have a free trade, it is so precarious, as to be disputed on every alteration in the Government, which of late has been very uncertain.

The following privileges have always been confirmed to the English, ever since Mr. Grey was chief of the Company's factory.

I. That they have free liberty to buy, sell, barter, tarry, or depart from Acheen at their own pleasure.

II. That they pay no other custom on goods imported or exported, but the ordinary duty of the chop.

III. In case of any ship-wreck in any part of these dominions, the subjects shall assist, and restore whatever is saved to the owners, and none of the men be enslaved according to the laws of the country.

IV. They shall have ground for a house, ware-house, and other conveniencies, and liberty at their departure to make the most of them.

V. In case of mortality, the goods of the deceased shall be at the disposal of the chief of the factory.

VI. The laws of the kingdom shall have no power over an English offender, but he shall be tried and punished at the discretion of the chief: and in case any subject or native whatsoever abuse the English, present justice shall be inflicted on him as he deserves.

VII. That their goods shall not be forced from them; nor returned on their hands after they are sold; but present payment shall be made, and they shall be assisted in recovering debts, by such powers as shall be requisite.

VIII. That no seizure be made in the King's or Queen's name; but current money afforded for what goods shall be bought for his or her use.

IX. That they exercise the christian religion without molestation, and if a subject scoff thereat, he shall be punished for the same.

X. No English run-away to be protected but returned by the ministers to them, and the like to be done with their subjects.

XI. That according to custom, they bring their presents once a year.

XII. That as formerly, they shall have all the sappen wood in these dominions, at tale 1. 4ms. per bahar.

XIII. That such merchants as bring goods on any of their ships, be free from paying savoy, or the 5th part of the custom, provided the number of ships exceed not three every monsoon.

XIV. That all ships bring a letter, from the chief of the place from whence they came, to the Governor of the town: certifying they belong to the Company, &c.

The Malayans are such admirers of opium, that they would mortgage all they hold most valuable to procure it. Those that use it to excess are seldom long lived, which themselves are very sensible of; yet they are no longer satisfied than their cares are diverted by the pleasing effects of it. I have been told by an Englishman, who accustomed himself to it at Bencoolen; it is a difficult matter to leave it, after once experiencing the exquisite harmony, wherewith it affects every part of the body. On taking a larger quantity than ordinary, he found such a tickling in his blood, such a languishing delight in every thing he did, that it justly might be termed a pleasure too great for human nature to support.

Bang has likewise its virtues attributed to it: for being used as tea, it inebriates, or exhilarates them according to the quantity they take. I have seen a great deal of it at Madras, brought from Bengal: which was like hemp in growth, leaves, seed, and every thing else; so that, I think, it could be no other.

Tobacco is much used among them; but they have little or none of their own raising, wherefore they are supplied with it from other parts at a dear rate; for want of pipes they

smoke in buncos, as on the Coromandel coast. A bunco is a little tobacco wrapt up in the leaf of a tree, about the bigness of one's little finger, they light one end, and draw the smoke through the other, till it is burnt quite up. They are sold twenty or thirty in a bundle at several stands in the market.

The king's palace is a very ordinary piece of building, which I was once near, but never within. The most remarkable things about it are two or three elephants kept for state! these they get from Pegu or Quedah, where are abundance of them. I have seen fifty in one garden at Madras, brought thence in a season, valued from 200 to 800 pagodas each.

Goods brought from England to this port are all the sorts that turn to account in Madras in small parcels. A few sword blades may likewise sell well.

Charles Lockyer, from whose book we have so often quoted, is referred to by Marsden, the historian of Sumatra, as having given a particular description of Acheen when he visited that place in 1704. Mr. Lockyer, as will be observed by our readers, did not voyage in the East from a mere love of enterprise, or a desire of gaining information respecting the countries he visited, but had in view the more substantial objects of trade, and seems to have published his narrative for the sole purpose of affording a guide to those who might afterwards visit the same countries on a like errand with himself: and the work has no doubt had its day, and served its purpose. But we think it will interest the curious among our readers to contrast what they have themselves seen, heard, or learned, of the present state of some of the neighbouring places, with which we still maintain a constant intercourse with the account given of the same places by an eye-witness who wrote more than 130 years ago. Mr. Lockyer does not indulge in many very philosophical reflections, and the fate of empires and revolution of events, seem to affect him mighty little, and never to disturb or interfere with his matter-of-fact method of describing and viewing things as they are. Had he been a writer of another turn, he might have struck off a forcible and instructive contrast between the earlier glories of the Acheen monarchy, and the declining state in which he found it; but if he had compared the condition under which he saw that country, with that under which it existed more than 100 years before he visited it, the contrast, great as it must have been, would not, in all probability, have been stronger than if a traveller of these days were to compare Mr. Lockyer's description with its present prostrate condition. About 20 years ago, the son of a Penang shop-keeper, whose spurious claims were supported by the government of that place, was elevated to the throne of a monarchy which, 300 years before, was one of the most powerful of the East!—he was, however, afterwards compelled to resign his seat in favour of the rightful prince, whom he had himself superseded, and who was restored to his dignity, mainly

through the representations and exertions of Sir Stamford Raffles, who saw him again seated on the *mumud* in 1819. But his kingdom, which had long been narrowing its limits, was now in a state of complete distraction, a prey to petty chiefs, whom a long era of anarchy had emancipated from feudal vassalage, and his power had become a nullity. How different from those days in which the Kings of Achcen were receiving ambassadors from the most powerful states of Europe, who courted their friendship and solicited their aid—when our own Elizabeth despatched Sir James Lancaster in 1602, on a special embassy to the reigning monarch of the country, and wrote in commendation of the valour and

achievements of one of his admirals in his contests with the Portuguese—from the time when a king of Achcen wrote to king James I, imploring him to send out one of his fair country-women for a wife, and promising to make her son a powerful prince—when one of its kings was “infinitely rich—and constantly employed three hundred gold-smiths—who was possessed of two thousand brass-guns, and small arms in proportion—who had a fleet of three hundred sails—had his palace grounds nightly patrolled by two hundred horsemen—while the interior was guarded by three thousand women—and who had five hundred eunuchs in charge of his seraglio!”—*Singapore Free Press*.

## BUILDING SHIPS IN BOMBAY.

To Captain Sir CHARLES MALCOLM, Knight, Superintendent of the Indian Navy.

Sir,—The recent regulation, for the more efficient control of the dock-yards and establishment therewith connected, having been now one year in operation, I deem it right to submit a few observations, for the information of yourself and Government, but principally with the view that publicity may be given to the great reduction that has taken place in constructing or repairing vessels in the Government dock-yards; and which I have no doubt, when generally known, will be the means of the establishment bringing in a considerable revenue to Government, instead, as hitherto, an expense to the state.

The principal cause of the reduction in building, has been through giving full effect to the system of contract labour (which was a matter of serious discussion and consideration by you four years back), instead of the former system of daily mustered labour, under an inefficient control, who had no interest or responsibility in the speedy completion or cheapness of the work performed; and it was only the late increase to the controlling department in the dock-yard, and by the superintendence of which, each separate part of a ship's frame can be put together at the real value of the labour required for so doing by contract.

It is right to observe, that the present cost of timber and other materials required in ship-building is about fifty per cent. less than in 1826, which was the latest period that vessels of importance were built for His Majesty's or the Honorable Company's government. In this year the hull of his Majesty's 84-gun ship *Calcutta*, of 2,258 tons, was completed (on the old system) at a cost of about 23,006 rupees, which is about 24,000 rupees more than a ship of the same class could be built for the royal navy in Great Britain.

With a view to ascertain the advantage that would arise to His Majesty's Government by constructing ships of a large class in these dock-yards, the builders have (after much

attention to the subject) prepared me an estimate of the probable cost of building a similar vessel to the *Calcutta*, which would only amount to 4,42,530 rupees; and instead of being, as formerly, 24,000 rupees more than the cost of such a ship in England,\* it exhibits a reduction on the English cost of 2,10,260; and as it is universally admitted that a Bombay teak-built ship is fifty per cent. superior to vessels built in Europe, I am therefore of opinion, that when these facts are generally known, the Bombay dock-yards will have more employment than they can perform, particularly as the reduction in building for the royal navy must be a matter of real national importance.

As regards merchant-vessels, I do not hesitate to say, that the best description of vessels can be built for £12 per ton, which is much less than substantial vessels can be built for in Europe; for the hull, spars, and boats, of a beautiful copper-fastened schooner of 200 tons, was launched in October last, for his Highness the Imam of Muscat, at a much less cost than I have here stated.

The superintending establishment (as per margin)† for working the steam engine, (seldom oftener than a few hours once a fortnight) costs the government 300 rupees per mensem; and the individuals employed are also attached to the mint, with separate salaries for each department; and although Mr. Ingles, the superintendent (who is a highly deserving individual), considers it necessary to have an assistant, yet I am of opinion that the superintendence of one person is quite sufficient for a simple engine on shore, that is so seldom worked.

One great defect in our dock-yard, is the inferior quality of our iron-work, which requires remedy; and to effect which, I would suggest that a respectable blacksmith foreman

\* The cost of the hull of an eighty gun ship built in England, is taken from Mr. Edye's publication of 1832.

† Superintendent, Mr. Ingles..... 200  
Assistant, Mr. Enderwick..... 100

be appointed exclusively to the yard, instead of the assistant-engineer; and who, in case of necessity, could also attend the engine when working.

In conclusion, I take this opportunity of bringing to your notice the indefatigable zeal and exertion of the builders in introducing the new system of contract work, as it would have been quite impossible to have effected it without the whole exertion of individuals possessing the powerful influence they do

over the different classes of artificers; and it can only be through the agency of persons possessing such influence, that can render efficient an establishment where the quantity of labour fluctuates so much, and where no fixed establishment is maintained to meet contingencies.

I have the honour to be, &c.

(Signed) R. COGAN,

Controller of the Dock-yards.

Bombay, Controller's Office, 26th Dec. 1834.

[Bombay Courier.

## THE APPEAL-RESCINDING ACT.

To T. E. M. TURTON, Esq., and such other Barristers at Law as have signed the Memorial against the Repeal Act.\*

"Seeing the Laws are excerpted out of the middle of moral and natural Philosophy, how should these fools have understood it, that have by G—, studied less in philosophy than my mule? In respect of human learning, and the knowledge of antiquities and histories, they are truly laden with those faculties as a toad is with feathers, and yet of all this the laws are so full, that without it they cannot be understood."

The above are the opinions of the celebrated Pantagruel, about certain Lawyers of his day, more famous for a love of the jargon of their trade, than for a knowledge of the principles of Law. I beg you not to suppose that I would address you so impolitely, but I cannot shew what sort of learning is expected of Lawyers when they venture, as such, to take part in a political discussion, more clearly than in the sentence which I have placed at the top of this letter. Without venturing to say which is the most useful turn of mind, we have a right to look for qualifications in Lawyers, who take upon themselves the lead in questions of state, very different from those which we acknowledge with applause in the leaders of a horse cause.

In the Memorial of the 2d May, published in the *Hurkaru*, to which Mr. Turton's name is the first attached, you have made two assertions of constitutional law, which are discreditably erroneous. The first is the right and privilege of British subjects in a conquered colony, or province, to carry with them their own laws till duly altered by "competent authority." This is a wrong statement of the constitutional law of England, which a gentleman of ordinary reading in the history of his own country, would have been ashamed to make, and which it is unpardonable in an English Lawyer to have made.

To disprove your assertion as regards a conquered province, as India is, I will quote from a very recondite authority, a book I recommend to be looked over by gentlemen who wish to take a leading part in questions relative to the rights of Englishmen. You will find it, I can assure you, to the full as entertaining as your favourite authors, such

as Tidd and Archbold, and more to the purpose in these matters.—I sincerely beg you, before your next memorials, in the words of Mr. Warren, only to try it, a little of it goes a great way, and will conceal, where it does not remove, profound ignorance. The work I mean is entitled "Commentaries on the Laws of England, by William Blackstone, Esq.," in the introduction to which you will find these words,—I cite them, as I presume you have none of you got the book. "Plantations, or colonies in distant countries, are either such where the lands are claimed by right of occupancy only, by finding them desert and uncultivated, and peopling them from the mother country; or where, when already cultivated, they have been either gained by conquests, or ceded to us by treaties. But there is a difference between these two species of colonies with respect to the laws by which they are bound. If an uninhabited country and planted by English subjects, all the English laws then in being which are the birth-right of every subject, are immediately there in force, but with many, and great restrictions. But in conquered, or ceded countries, that have already laws of their own, the King may indeed alter and change those laws; but till he does actually change them, the ancient laws of the country remain.

English Lawyers to whom I have been obliged to quote Blackstone, cannot take it amiss if I remind them of a few passages of the history of England. I should be glad to know from you what law was current at Calais, when it was a conquered city belonging to the Crown of England. If the French Law, I beg you to point out the Proclamation of the King of England establishing it. Guernsey and Jersey are at this moment under Norman French Law, but there is no Proclamation introducing it. To come nearer to where you now are, the Isle of France is under French Law, the Cape and the Maritime Provinces of Ceylon are under Roman Dutch Law, and the Candian Provinces of Ceylon are under the Law of Buddha, being all places conquered by the King of England, in all of which the laws existing in each at the time of conquest, respectively, have

\* Vide page 309 Asiatic News. • •



remained in force, generally, and in none of which was there ever any proclamation issued, re-establishing that law which had never for a moment ceased to be, or abolishing that law which had never for a moment existed.

In all these places British-born subjects are liable to the *lex loci*, whilst within its local limits, in precisely the same manner as all other persons. So yourselves, gentlemen, at this moment of my addressing you, *where not excepted by Act of Parliament*, which may make you subject to any law it pleases, or *by the King's Prerogative*, which may make you subject to English Law, are subject to Mahomedan Law, so far as may be consistent with a Judge's idea of the law of God.

I make no apology for explaining the law to you, in a matter of constitutional aspect. No one need do that henceforth.

Having set you right as to what the Law of England is, I proceed to inform you that your assertion of the state of the law of conquest is not true with regard to any European country, nor any other country, except where the law and the religion of the people are one and the same, and consequently where the laws are immutable, under any circumstances, either by King or people. I quote from another author, again, 'in preference to referring you to him, as I believe he is read by no class of gentlemen so little as by English Lawyers. Montesquieu (Liv. X. C. III.) thus describes the *only four possible ways* of treating a conquered country: "Un État qui en a conquis un autre, le traite d'une des quatre manières suivantes. Il continue à le gouverner selon ses lois, et ne prend pour lui qu'un exercice du gouvernement politique et civil; ou il lui donne un nouveau gouvernement politique et civil; ou il le truit la Société et la disperse dans d'autres; ou, enfin, il extermine tous les citoyens." So you see that your law is not only bad law, but unheard of law, impossible law; for what civilized nation ever did, or ever could allow its "ancient subjects to carry each his own little atmosphere of his own law into another part of its dominions subject to a different law? What English defendant residing in Scotland ever dreamed that his birth-right was taken from him, because compelled to answer a suit according to Scotch Law? Laying aside English Law, what Civilian, or what writer on international law, can you ever have glanced into, to have taken up so preposterous a notion, a notion which never entered the heads even of the Barbarian conquerors of the Roman Empire? I do not admire a Legislature interpreting a *doubtful* law, but most assuredly there never was a less doubtful assertion than that of Mr. Macnaghten the other day, when he was bid to say that a change of Courts changes no *Laws*: none but those who don't know the difference between a wig and a principle can doubt it.

Your second assertion which I allude to, is your saying that a proclamation by the King can take away the birth-right of a Bri-

tish subject. Now, for this, I have a worse quarrel with you than that you are ignorant of the law which you profess to have studied—I say that you are unworthy of enjoying the blessing of being the subjects of a free country, for holding so slavish, so execrable a doctrine. As law it is ridiculous, as a public principle it is detestable. There is no such doctrine acknowledged in Turkey. It is indeed a solicism, for how can that be a man's birth-right, which another man may take from him at his will? I will not argue it. It makes me sick to hear Englishmen, in such woeful ignorance of all that an Englishman ought to know and prize, presume to speak of constitutional rights and public wrongs, or any thing but the mechanical trades whereby they earn their bread.

And now, Gentlemen, let me entreat you to consider whether you be competent for the task you have undertaken, of leading your fellow countrymen in matters of legislative or constitutional policy. If you are too much occupied in the technicalities and daily wrangling of a Court, to acquire the ordinary information about the great principles of the law of England, which no layman, who knows any thing about his own country, wants, can you be the fittest persons to show the rest of us the way in important political matters?

You, Mr. Turton, if you detect an illogical phrase in the proceedings of a Mofussil Magistrate, hastily dictated after he has carefully satisfied himself of the justice of his order, are used to dilate upon it with a happy fluency, to say that it would disgrace a fourth form boy, and to wind up your oration, by saying that such is invariably the manner in which justice is administered by the gentlemen of the Civil Service. Now, you yourself, who have spent your life in your profession, have committed two errors in law more gross than could have been excused from an unlearned man, in an off-hand letter. The point about which you have gone wrong is an elementary one, and besides one of extreme interest to a student of law. It is the first head of an interesting topic, with which an Indian Lawyer of all others ought to have been thoroughly conversant. You have made this mistake not in a hasty speech at a Town-hall meeting, but in a grave memorial to the Legislative body to which you are immediately subject, on a question which you have treated as one of vital importance. Yet you are the acknowledged leader of the Calcutta Bar; in talent, with the exception of one gentleman who is not a frequenter of the Town-hall, there are none who approach near to you,—and yet you have done this thing; When next you meet with an oversight of a Mofussil magistrate, will you not be more charitable? Will not all Calcutta lawyers henceforth be less presumptuous? Indeed, they are not what they think themselves.

I have addressed you, Gentlemen, that you might yourselves benefit by a little reflection and self-examination: and I have published

this address that the other memorialists, and the rest of the two hundred Europeans in Calcutta, who yield themselves up to be guided implicitly by you, and your brethren, may know how unsafe it is to trust you in these matters—for you are the gods of this our Israel.

With every feeling of admiration that may be due to your talents, and of regard for your private characters, but with no respect for your attainments in constitutional law, or for your public conduct in political affairs, I have the honour to subscribe myself, your most obedient humble servant,

Calcutta, 11th May, 1836. AMICUS CURIAE.

### TO AMICUS CURIAE.

*The Grove, Comarhattee, May 15, 1836.*

SIR,—Since you first came forward in the present contest, I have deeply regretted that six months' illness should have left me so wholly debilitated, that to hold my pen for half an hour is almost more bodily exertion than I am capable of sustaining. At any other time your gross misrepresentations of the Supreme Court, should not have gone so long unexposed. But you have now accused me, in no very courteous terms, of misstatements of constitutional law in my letter to Government, for such you term it, (and I am perfectly willing to take the whole odium of it) so as to drive me to some exertion; though I regret that the cause to which I have adverted, and my present residence ten miles from Calcutta, where I have not a single book to which I can refer without sending there, must delay the appearance of my answer longer than I could wish.

Before I proceed further, let me state some facts, which I do with the desire, that both you and the public may *know* (not merely conjecture) that I alone am really responsible for the statements or mis-statements, *if there are any*, of that letter. I had consulted with several of the memorialists before leaving Calcutta on the subject of a reply to Mr. McNaghten's letter to us, and was authorized to prepare it. For long after removing to this place, I did not in the slightest degree recover from the exhaustion I had experienced from my attending Aushootosh Day's trial, but when the time drew within a week of the day fixed for the re-consideration of the intended Act, further delay was impossible, and the letter which has excited your spleen was written by me without one book to refer to, or a paper before me except Mr. McNaghten's. I never read over even my draft which I got copied,—I never even saw the copy except to sign it, but was obliged to send it to a friend, quite competent to detect any errors, *if there had been such*, for correction, and then with the signature of the other gentleman addressed with me by Mr. McNaghten, it was forwarded to the Government. The rough draft was again re-copied for publication, and for that

I was obliged to have recourse to the same friend. I confess I do not see the great difference between this, which you yourself term an "off-hand letter," and what you call "a hasty speech" at the Town Hall; and even if there had been some inaccuracy of expression, I think under the circumstances it would not have been remarkable. But I contend that there is no inaccuracy of expression even, much less of principle. There is not one word stated in it, which is not strictly true according to the English constitution. I admit that addressed to a nobleman, who has only just left the Cabinet of England, who is supposed (but I believe erroneously) to have been himself a barrister, it is not written in that elementary style which may make every sentence in it perfectly intelligible to the would-be wits and anonymous critics whom one may encounter in an Indian newspaper; but I maintain that every word is correct and true in constitutional principle according to the law of England; and, moreover, that it is intelligibly so to any man who does not wish to pervert its meaning, and is of ordinary understanding. I regret much, that on this occasion you should have allowed yourself to be guilty of that want of ordinary courtesy that a gentleman generally wishes to preserve in his most violent controversies. You have forfeited all claim to being treated with the slightest consideration, or ceremony—all claim to the courtesies of life, for which there is always room, let the quarrel be ever so deadly. Do not imagine, however, that I mean to make this any excuse for degenerating into like abuse. I owe too much, not to you, for I owe you nothing; but I owe too much to myself to adopt a style and manner which, however you may have set me the example, I may hereafter regret to have followed. If my opponent was even Mr. Macaulay (and I am sure no man in India owes him any thing) I would still preserve, as far as possible, the tone of gentlemanly discussion.

Let me, however, say, that this explanation, though addressed to you, in answer to your letter, is really meant for the public who are opposed to that execrable act which UNCONSTITUTIONALLY and ILLEGALLY, as I contend, hands over, us, our laws, our contracts, our inheritances, to the tender mercies and legal knowledge of Aumeens. For the memorialists I acted. They have a right to see that I have not placed them in a false position. But you being a friend to the measure, hugging your own infidel chains in slavish satisfaction, have no right to any explanation,—I only wish to see that they are not misled or deceived.

Now, Sir, this is what I said, and what I will maintain, notwithstanding your objections. "It is the *right and privilege of British subjects in a conquered colony or province, to carry with them their own laws till duly altered by competent authority. Nothing less than a proclamation of the Crown can deprive them of this their birth-right. That right and*

privilege they have always enjoyed in India, at least since the Charter of Geo. 2nd" (this was a mistake, I should have said long before)—"long before there was what is called a Mofussil Court in existence." Against this you have produced, from the introduction to Blackstone; a garbled passage, but one which even in that state shows that our laws are the "birth-right" of every British subject. The real passage, so far as is material, is as follows: I mark in Roman small capitals the passages which were omitted by you to suit your purposes.

"BESIDES THESE ADJACENT ISLANDS, OUR MORE DISTANT PLANTATIONS IN AMERICA, AND ELSEWHERE, ARE IN SOME RESPECT SUBJECT TO THE ENGLISH LAWS. Plantations or colonies, in distant countries, are either such where the lands are claimed by right of occupancy only, by finding them desert and uncultivated, and peopling them from the mother country, or where, when already cultivated, they have been either gained by conquest or ceded to us by treaties. AND BOTH THESE RIGHTS ARE FOUNDED UPON THE LAW OF NATURE, OR AT LEAST UPON THAT OF NATIONS. But there is a difference between these two species of colonies, with respect to the laws by which they are bound. For it hath been held that if an uninhabited country be discovered and planted by English subjects, all the English laws then in being, *which are the birth-right of every subject*, are immediately there in force. But this must be understood with very many and very great restrictions. SUCH COLONISTS CARRY WITH THEM ONLY SO MUCH OF THE ENGLISH LAW AS IS APPLICABLE TO THEIR OWN SITUATION AND THE CONDITION OF AN INFANT COLONY."

Now, Sir, let me ask you your motive for omitting the parts which I have marked with Roman capitals, and for omitting the comma after the words "English laws then in being," which is in the original, and by the omission of which the whole sense of the passage is altered? I omit, as you did, as immaterial, the passage which follows the above till we come to the following:

"But in conquered or ceded countries, that have already laws of their own, the King may indeed alter and change those laws; but, till he does actually change them, the ancient laws of the country remain, UNLESS SUCH AS ARE AGAINST THE LAW OF GOD, AS IN THE CASE OF AN INFIDEL COUNTRY."

Again, Sir, let me ask you why did you omit the latter passage in Roman small capitals when writing upon a point of constitutional law relating to an infidel country, which this is?

Your letter has forced me to send for one or two books: they will be sufficient, say your authority, cited by you, ought to have been sufficient, to satisfy any one who does not wish to misrepresent, that there was not between advanced by me that was not strict-

Did I ever say that in a conquered country the laws found there did not prevail? Your letter forced by competent authority? Did I say that there was no competent autho-

rity to make the alteration? No, but I did say, and I repeat, that it is the right and privilege of British subjects to carry with them their own laws into such a colony. If not, how can the British laws be "their birth-right" as stated by Blackstone? How otherwise are "both these rights" (i. e. in each description of colony) "founded upon the law of nature, or at least upon that of nations? I lay but little stress upon the exception of the laws of an infidel country however disingenuously omitted in your quotation, because though resting on no less an authority than the resolutions of the Judges in Calvin's case, it has been in a great degree disputed (of which you are probably in profound ignorance) by the Court of King's Bench in *Campbell v. Hall*, Cowper's Reports, 204. The doctrine, however, was to a great extent adopted and confirmed by a decision of the Privy Council on the 9th August, 1722, as reported in 2d Peere Williams, 75. I give you the whole, which is in any degree to the point, that you may have whatever advantage you can make out of the case.

"If there be a new and uninhabited country found out by English subjects, as the law is the birth-right of every subject, so wherever they go, they carry their laws with them, and therefore such new-found country is to be governed by the laws of England." 2dly, where the King of England conquers a country it is a different consideration; for there the conqueror, by saving the lives of the people conquered, gains a right and property in such people; in consequence of which he may impose upon them what laws he pleases: but, 3rdly, until given by the conquering prince, the laws and customs of the conquered country shall hold place unless where they are contrary to our religion, or enact any thing which is *malum in se* or are silent, for in all such cases the laws of the conquering country shall prevail. Now, to waive the question as to an infidel country, does the reason assigned for the conqueror having power to impose any laws upon the conquered people affect the native-born subjects of the conqueror? Does it in any degree justify the depriving them of their "birth-right" when they shall be invited or permitted to sojourn there? It simply decides that when a country is conquered the whole body of the people resident in that country, i. e. before conquest, are the King's enemies, and by the laws of conquest he acquires a right to give them what laws he chooses; this is frequently made the matter of treaty, or of stipulation, on surrender. If there is no treaty, no capitulation, and the King, or his officers to whom his authority is delegated, are silent upon the subject of the laws which shall for the future prevail, the existing state of things, as found by the conqueror, continues to prevail, and the conquered people tacitly retain their own laws, as they do every thing not agreed to be given up.

But to this even there are important exceptions. The laws relating to the allegiance of the conquered are from the nature

of things altered. The laws of the conquering country relating to Colonial Navigation and Trade, and to the abolition of Slavery or Torture, *instantly* extend to the conquered province. The conquering force, Naval or Military, is still governed by the Mutiny Act. Is the birth-right of the private subject alone to be violated?

The King may impose new laws *when he will*; and the moment the retention of the colony is so far determined on, that British subjects generally are allowed to resort there, so soon does the "birth-right" of a British subject come into operation, and those rights which "are founded upon the law of nature, or at least upon that of nations," must be protected. It is needless to tell me that the King is not bound to protect them. He is so bound. His prerogative is given to him for the general benefit of his subjects, and as to all conquests by the mother-country, the British Parliament has the power of legislation, if those rights "which natural-born subjects acquire by being born within the King's allegiance, and can never forfeit by any distance of place or time" (see Black. Com. B. 1. c. 10) are capriciously violated or improperly neglected. Let it not be said that this trenches on the King's prerogative to grant by treaty, or at his own free will, such laws as he may consider best suited to the circumstances of the conquered country. No such thing. I admit that different conquests, according to their nature, position and circumstances, call for different applications and extensions of the right. The Danish and German Fishermen and Pilots on Heligoland (its only inhabitants) might be oppressed and without any advantage, by the introduction of English commercial and other law. Had it continued to be, as it was at its capture, the Magazine of British manufactured articles, to smuggle in despite the Berlin and Milan decrees those commodities into the continent—still more had it become a licensed and avowed free port and emporium of British Commerce, it might have called for the extension of the "birth-right" of British subjects, so far as to encourage and render them (to their own feeling) secure in the promotion of the objects of the British Government: whilst the barren and military rock of Gibraltar, with all its original Spanish population, its mixture of French, of Dutch and Genoese, its nunnery and convents, affords an instance of the impossibility of carrying on trade and commerce for any length of time without a civil Government:—within 18 years of its first capture, the British inhabitants, being then only about 200 out of about 5 or 6,000, petitioned for a Mayor, Alderman, and Council and a civil Court, whilst the Spaniards, Dutch, and Genoese were each governed by their own Consuls and Lawyers. From that time to the year 1830, the British law, though in a conquered country, more or less prevailed. In 1830 a new charter was granted, and the English laws, through an English Judge, and a Jury in criminal, and three assessors in civil cases, are now more fully established.

The principle for which I contend *only* supposes that the King will act upon the known "birth-right" of his subjects, who are not prevented by previous treaty and condition, or some other controuling necessity.

This, I say the King of England has always done, from the earliest times down to the latest. I admitted a competent authority to alter the law. That competent authority differs at different times and under different circumstances. In the first instance, before actual conquest, treaty or the articles of capitulation, (perhaps in effect the same thing) may give to the conquered people their own laws, which they would also have if the King were silent upon it, until he by his prerogative, by proclamation alone (I repeat the error if it be one,) or it may be by the advice and with the assistance of parliament, gave them new laws. He might, before the interference of parliament, delegate this power to the Government; he might vest it in a legislative assembly; he might, though it is to be hoped that he will not see much encouragement for the experiment being repeated,—vest it in a legislative council with closed doors, appointed by a corporate company, but paid by the conquered people: all these, *acting within the scope of their authority*, would be competent to give fresh laws, but until the laws of the country were so altered, the "birth-right" would remain, and must be admitted. No King would dare, without just reason assigned, to violate it. If a treaty or capitulation fixed the terms of conquest, by which their own laws were to continue, *the only laws in force throughout the country*, this would be an alteration by competent authority, a voluntary self-restriction of the natural prerogative, and British subjects resorting there could not carry with them their own laws. Nor would they have reason to complain. Resorting to a conquered country that had made such a stipulation, the condition on which it consented to transfer its allegiance, (for on the conquest the inhabitants from the King's enemies become the King's subjects, though Mr. Lœke argues that allegiance gained only by conquest may be justly thrown off when the conquered become strong enough to do so) the British-born subject must consent to make a sacrifice of his rights corresponding to that which the King made, as one of the means to obtain without further bloodshed an accession of territory and subjects to the crown and country, and in such a case he voluntarily subjects himself to foreign, and it may be to him odious, laws, probably for some real or expected advantage of which he is willing to pay the price.

I admit also that where any known law does prevail in a ceded or conquered country, and no exception exists for a British subject, and it cannot be doubted in an independent kingdom, such as Scotland, as put by you, which has nothing whatever to do with the subject, like your other European historical cases, that he must, as any other member of a community, submit to the laws as he finds

them; but that is nothing to the question. Has he a right when he goes to settle in a conquered colony, to expect and require, if no treaty stands in the way, to take with him his "birth-right?" There may be an objection to altering laws in a conquered colony during war. It might obstruct the negotiations for peace, of which the restoration of all conquests is frequently a principal condition. Pending any uncertainty of its restoration, the King of England might well hesitate to alter the laws of any conquered colony. This may be a sufficient political reason for postponing the establishment of the right; but this again has nothing to do with the question. Does it all along exist, though in abeyance? I say it does. Has he, when all uncertainty is at an end, when the country is held out as a resort for British subjects, (whether under restriction or not, is immaterial,) a right to expect that this "his birth-right," his own laws so far as they are applicable, will be conceded to him? I say he has.

You will allow me to point out to you that you are the person in error in not distinguishing the difference between the conquered country and, its retaining, if not altered by the Crown or British Parliament, its own laws, with however a liability to have them at any time altered, and the rights and privileges which I maintained and now maintain are the "birth-right" of British subjects in all colonies, that cannot be needlessly violated without a corresponding violation of the principles of the constitution.

I will now refer you to the opinions of some "featherless Toads" on the same point; you will find the two first in Chalmers's Collection of Opinions, and the latter in the 10th vol. of East's Reports. If I have erred, to have erred in company with three such men as Lord Camden, Charles York, and Lord Ellenboro will be no disgrace. If I could ever hope to attain such legal reputation as adheres to the memory of the least of those three great men and constitutional Lawyers, I should think I had reached an eminence that men might well look up to with envy and admiration. The only possible slur upon the character of any, is the defection of C. York from his party, which he expiated by his suicide before even his patent of peerage on being made Chancellor could be sealed.

"Let an Englishman go where he will, he carries as much of law and liberty with him as the nature of things will bear," an opinion of Mr. West, afterwards Chancellor of Ireland. "English subjects carry with them your Majesty's law wherever they form colonies." This was in a legal opinion of Pratt, afterwards Lord Camden, and C. York, then Attorney and Solicitor General, for the guidance of the Crown.

"In a place occupied by the King's troops, the subjects of England, would impliedly carry the law of England with them." So says Lord Ellenboro in the King v. Frampton, East.

I will now shew you that this right has been admitted and acted upon from the earliest times in English history to the latest. In doing so I will also shew you that your second accusation against me of a want of constitutional knowledge, in imputing to the King a power by virtue of his Prerogative to legislate for a Conquered Colony by mere proclamation, ought to recoil on yourself. That he clearly has that power, and that such has been determined by the Court of King's Bench after the fullest argument and enquiry. I will then establish the truth of what I asserted and still assert, that this right of being judged by English law has been actually admitted and enjoyed in this country under the authority of the Crown of England, not merely since the Charter of Geo. 2, but long before. You say that we and you (you must include yourself) and the rest of Englishmen and Scotchmen, and Irishmen in India, are now, (I presume you do not mean to rely on Macaulay's "Black Act") subject to Mahomedan Law so far as may be consistent with a Judge's idea of the law of God. I tell you, we are not subject to the Mahomedan law and never were, and it is my hope and trust we never may be. I never will be. I would rather beg my bread, if I could not earn it, from the charity of Christians, than I would be beholden for it to the laws of Mahommed, administered by Mahomedans. What may be the most fitting law for you, whether that under which the infidel slaves of a Mahomedan despot have lived for uncivilized ages, or that which British subjects at home or abroad generally consider their pride and boast, it might not be so civil for me to say. I must then notice what you are pleased to term "passages of English History." This they certainly are not. I should be puzzled to assign them a just appellation consistently with courtesy. I might perhaps apply to you what was said of a much greater man: "The Honorable Gentleman has drawn on his memory for his wit, and upon his imagination for his facts." As to the first point, namely, the way in which British laws have been introduced into conquered countries; let us take the conquest of Ireland, as one of the most ancient and most important of English conquests, or colonies—what says your friend Blackstone as to this?

"The inhabitants of Ireland are, for the most part, descended from the English, who planted it as a kind of colony, after the conquest of it by King Henry the Second; and the laws of England were then received and sworn to by the Irish nation, assembled at the council of Lismore. And as Ireland, thus conquered, planted and governed, still continues in a state of dependence, it must necessarily conform to, and be obliged by, such laws as the superior state thinks proper to prescribe."

"At the time of this conquest the Irish were governed by what they called the Brehon law, so styled from the Irish name of judges, who were denominated Brehons."

"But King John, in the twelfth year of his reign, went into Ireland, and carried over with him many able sages of the law; and there by his letters patent, in right of the dominion of conquest, is said to have ordained and established that Ireland should be governed by the laws of England, which letters patent Sir Edward Coke apprehends to have been there confirmed in Parliament!" The latter supposition is clearly an error, as I shall have occasion to show before I have finished this letter.

The case of Ireland is perhaps more completely in point with this country than any other part of the King's present dominions. It was partly conquered by the King's troops and partly acquired by treaty with, and from the dissonances of, its native Princes. We see then that there the Kings of England, when they had conquered the country and settled their own subjects in it, again and again protected them in the enjoyment of their "birth-right." In the American colonies, almost all acquired by conquest and driving out the natives, or the original European settlers, the same thing took place. No sooner did they become the abode of Englishmen than the English laws, and English constitution, were secured to them—mostly by letters patent or commissions from the King. The laws and religion of Canada were to a certain extent preserved to them by capitulation and treaty, but the British laws, both civil and criminal, were introduced in 1763 by proclamation, together with that essential part of them, the Habeas Corpus, and Trial by Jury. In 1791 it was by act of Parliament divided into the two colonies of Upper and Lower Canada and a representative Government given to each province.

Without attempting minuteness in describing the present Colonies of England or their respective Governments, it will be sufficient to say that they now are about 30 in number, exclusive of the military establishments of Gibraltar, Malta and Heligoland, and the East India Company's possessions. Out of these I believe 24 either govern themselves by means of assemblies (the most usual, the most constitutional, and the best mode of conferring on Englishmen their own laws, and their own freedom) which are generally bound to pass "no laws that are repugnant to the laws of England," or "to make laws as near as may be consonant to the laws of England," or are governed by the British Parliament. The latter are 3 in number, Newfoundland, New South Wales and Van Diemen's Land. The six which are partially subject to Foreign laws are British Guiana, (three former Dutch Colonies) Trinidad, St. Lucia, the Isle of France, the Cape of Good Hope and Ceylon; every one of which by their articles of capitulation (unless my memory deceives me) stipulated for this (for such it was to them, Dutch, Spaniards and French) immunity. The treaty of Vienna, I think also confirmed the several capitulations to a certain extent. But in each and every of these colonies

with the exception of the Isle of France, have fresh charters been granted *greatly* modifying and altering the original laws, and even the Civil Government, introducing either a constitutional or modified trial by Jury, and abolishing most of the previous Foreign Courts. Such is the charter, which for the purposes of administering justice within their territories, consolidated British Guiana, Trinidad and St. Lucia, of June 1831. The charter of May 1832 for the Cape and that of February 1833 for Ceylon. There has been also a charter for the Mauritius, but that has introduced comparatively little alteration in substance. Now if I have shewn that whilst the "birth-right" of the English laws is universally admitted in theory to be the right of Englishmen, a principle laid down by the most eminent writers, sanctioned by the first legal authorities, and confirmed by legal decisions—when I shew, moreover, that it was the course adopted in the most important and one of the earliest of our conquests; that in the case of our North American colonies which we lost, and in 24 out of 30 colonies which we now retain, the privilege of the same "birth-right" has been acted upon, it would seem little more remains than to fill up the intermediate chasm. For this purpose, and to shew at the same time that though the King cannot within the realm of England govern by Proclamation, yet he can so govern in a conquered colony, even to the imposition of taxes on a British-born subject, I will cite the case of *Cambell v. Hall* from Cowper's Reports. This was the case of the Island of Grenada, which was taken by the King of England in open war from France, and yielded by capitulation in February 1762, and was formally ceded by the treaty of Paris, Feb. 1763. The capitulation provided that they should be governed by their laws till his Majesty's pleasure should be known. That as by the surrender they would become subjects, they should enjoy their properties, and have the same privileges as his Majesty's other subjects of the British Leeward Islands. The Roman Catholic religion was preserved to them as far as the laws of Great Britain permitted, and such of the inhabitants as chose to quit the Island were allowed 18 months to dispose of their effects.

By a Proclamation under the Great seal, 7th October 1763, the King published and declared that he had by letters patent given express power and direction to the Governor of that colony (amongst others) to summon and call, so soon as the state and circumstances of the colony would admit, general assemblies as used in the Colonies and Provinces of America under his immediate Government, and had given power to the Governors with the consent of the Council and the representatives of the people to be summoned as aforesaid, to make, constitute and ordain laws, statutes and ordinances for the Government of the colony and inhabitants "as near as may be agreeable to the laws of England," and under such regulations and restrictions as were used in our other colonies. This Proclamation was made under

a recital that it would greatly contribute to the speedy settlement of Grenada, that "our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are and shall become inhabitants thereof." Another Proclamation reciting a survey and division of the Island into allotments and an invitation to purchasers on terms mentioned in the Proclamation, was published on 20th March 1764.

On the 9th April 1764 letters patent were granted to General Melville, with power to summon assemblies in the terms of the Proclamation of October. On the 20th July 1764, letters patent were issued by the King, by which it was declared that the King by virtue of his Prerogative had directed that from the September following 4½ per cent should be collected on all commodities, the growth of the Island shipped from it, in lieu of all customs and duties theretofore collected under the authority of the French King.

Two points arose, 1st whether if the letters patent of July 1764 had been made before the Proclamation of October 1763, the King could exercise such a legislative power over a conquered country.

2nd.—Whether if he had such power he could exercise it after the Proclamation of October 1763 or had thereby divested himself of it.

These points were argued four times in the Court of King's Bench.

Several propositions were stated by Lord Mansfield in delivering the Judgment of the Court of King's Bench, and I will give them to you because they bear greatly upon both your points of accusation, and as you may think some of them in your favor, I will give them without any garbling, or keeping back, so as to suit only my own argument: but for the use of a gentleman who cannot keep in view the difference between the prerogative of the Crown and the natural rights of the people, the liability of the conquered and the just claims of the natural born subjects of the conqueror, I shall take the liberty of adding a few comments, shewing what these propositions do not determine.

"1st. A country conquered by the British arms becomes a dominion of the King in right of his Crown; and therefore necessarily subject to the legislature, the Parliament of Great Britain." This does not determine that the King before the interference of Parliament, and before he has parted with the right of legislating for the conquered country, may not exercise that right by mere virtue of his prerogative by proclamation—which it was determined in this case he could exercise.

"The 2d is, that the conquered inhabitants once received under the King's protection, become subjects, and are to be universally considered in that light, not as enemies or aliens." But not British born subjects, who have any privilege by "birth-right." They are the ante-nati whose privileges differ much from those of the post-nati. See the distinction, *amicus*, in Calvin's case.

"The 3d, that the articles of capitulation upon which the country is surrendered, and the articles of peace by which it is ceded, are sacred and inviolable according to their true intent and meaning." This requires no comment.

"The 4th, that the law and Legislative Government of every dominion, equally affects all persons and all property within the limits thereof; and is the rule of decision for all questions which arise there. Whoever purchases, lives, or sues there, puts himself under the law of the place. An Englishman in Ireland, Minorca, the Isle of Man, or the plantations, has no privilege distinct from the natives.

But it must be observed that an Englishman in Ireland, and in the plantations, had at that time *his own laws, his own constitution*. That the laws of the Isle of Man are founded on the same principles as those of England, and differ chiefly in outward form, and that it is an ancient fief of the kingdom, or was claimed as such by the Kings of England. As to Minorca, its own laws were secured to it by the articles of capitulation, which the preceding resolution declares to be inviolable. But this resolution does not determine that as to many things the privileges of different classes of subjects (not clashing with each other) may not be preserved to each. In Gibraltar, for 18 years and upwards after its first conquest, the Spaniards, Genoese and Dutch, were each governed by their own Consul, their own laws and their own lawyers, (subject, however, to the martial law of an English garrison) and I shall presently shew that in this country of India for 110 years the British laws have prevailed (nearly 50 of which they were administered by the Company) in Calcutta, Madras and Bombay, the latter having been part and parcel, or at least held in socage, of the manor of Greenwich for nearly a century longer. Whilst as to British subjects their own laws have prevailed for an equal length of time. It is indisputable that since 1773, (I think equally so that since 1726,) the British laws, civil and criminal (such as have with a few exceptions prevailed during the same time in England) have been extended as to British subjects to every part of what the Company term "their territories"—from the northern-most point of them to Cape Comorin, from Dacca to Bombay. During the same time the Mahomedans (the former conquerors) have held and enjoyed their laws, and the Hindoos (the ever conquered) theirs. I know of no evil which has ever arisen from this. I know of no complaint which Hindoo or Mahomedan ever made of this. The rights of none have ever clashed with those of the other.

"The 5th, that the laws of a conquered country continue in force, until they are altered by the conqueror: the absurd exception as to Pagans, mentioned in Calvin's case, shews the universality and antiquity of the maxim. For that distinction could not exist



before the Christian era; and in all probability arose from the mad enthusiasm of the Croisades. In the present case (Grenada) the capitulation expressly provides and agrees, that they shall continue to be governed by their own laws, until his Majesty's further pleasure be known."

At the time this judgment was delivered the Company's large *infidel* acquisitions had been a subject of much discussion and opposite claim between the King and Company in Parliament. The value of an infidel country in which it was thought dangerous to alter their laws, might not be without its weight in the decision, or rather in the utterance of this *obiter dictum*, for it is after all nothing more. On the other hand go to the principles of a Christian Government, and a Christian King, and kingdom. If Christianity is part and parcel of the English law and constitution, though it may tolerate the exercise of any religion, so long as it is practised inoffensively, can it, ought it, *lucris causâ*, to recognize laws contrary to its principles, opposed to its propagation, and inimical to its founder? What a commercial country, placing a portion of its interests under the management of a Company of adventurers, may choose to concede or submit to—what the *auri sacra fames* may induce them to swallow, I do not know—but it is quite clear, according to the principles by which India has been won and held, that idolatry, that a numberless plurality of deities, that Juggernaut's car and its human sacrifices, to say nothing of alleged human sacrifices elsewhere, even as it is said, in Hindoo temples within 3 miles of the Governor-General's Palace, can all be swallowed and digested by the East India Company if sufficiently gilt. Mind I give no opinion on the expediency of thus conceding, and I am decidedly in favor of universal toleration; but I am contented to go back to a period much within that of the establishment of Christianity for the foundation of the British Constitution, and I maintain fearlessly (even against the authority of Lord Mansfield and the Court of King's Bench) by the side of Sir Edward Coke, that his exception in Calvin's case of the laws of an infidel country, is more consonant with the mild, pure, and unselfish doctrines of the Christian religion, more suited to the moral dignity of a country that makes Christianity a part of the law of the land, than the seeking after any advantages of wealth or power at the sacrifice of principles which we are taught to believe are of essential importance to our eternal welfare.

"The 6th, and last proposition is, that if the King, "and when I say the King, (Lord Mansfield *loquitur*) I always mean the King, without the concurrence of Parliament," has a power to alter the old and to introduce new laws in a conquered country; this legislation being subordinate, that is, subordinate to his own authority in Parliament, he cannot make any new change contrary to fundamental principles: he cannot exempt an inhabitant from the particular dominion: as for instance,

from the laws of trade, or from the power of Parliament, or give him privileges exclusive of his other subjects; and so in many other instances which might be put." But if he gives their own laws of marriage, inheritance and contract to the conquered people he may also give their own in similar cases to his subjects. It goes on to say. "But the present change, if it had been made before the 7th October, 1763, would have been made recently after the cession of Grenada, by treaty, and is in itself most reasonable, equitable, and political; for it is putting Grenada, as to duties, on the same footing with all the British Leeward Islands. If Grenada paid more it would have been detrimental to her; if less, it must be detrimental to the other Leeward Islands: nay, it would have been carrying the capitulation into execution, which gave the people of Grenada hopes, that if any new tax was laid on, their case would be the same with their fellow-subjects in the other Leeward Islands.

"The only question then on the first point is, whether the King had a power to make such change between the 10th of February, 1763, the day of the treaty of peace was signed, and the 7th October 1763? Taking these propositions to be true which I have stated; the only question is, whether the King had of himself that power? It is left by the constitution to the King's authority to grant or refuse a capitulation: if he refuses, and puts the inhabitants to the sword, or exterminates them, all the lands belong to him. If he receives the inhabitants under his protection and grants them their property, he has a power to fix such terms and conditions as he thinks proper. He is intrusted with making the treaty of peace: he may yield up the conquest, or retain it upon what terms he pleases. These powers no man ever disputed," (this was reserved for a flourish of *AMICUS CURIAE*) "neither has it hitherto been controverted that the King might change part or the whole of the law or political form of Government of a conquered dominion." This is putting it on precisely the same grounds as the case in *Peere Williams*—the right to deal with the conquered as he pleases, from the mercy and protection he extends towards them. This can give him no right to deal capriciously with his own subjects and to deprive them of a "birth-right."

Lord Mansfield then goes into the history of the conquests made by the Crown of England.

"The conquest and the alteration of the laws of Ireland have been variously and learnedly discussed by lawyers of great fame, at different periods of time: but no man ever said, that the change in the laws of that country was made by the Parliament of England: no man ever said the Crown could not do it. The fact in truth, after all the research which have been made, comes out clear of itself, as it is laid down by Lord Chief Justice Vaughan, that Ireland received the law in land, by the charters and commands of his mother King John, Henry 3, and he and



"The dukedom of Aquitaine," says Sir Edward Coke, in Calvin's case, "whereof Gascoigne was parcel, and the earldom of Poitiers, came to King Henry the second by the marriage of Eleanor, daughter and heir of William the duke of Aquitaine, and earl of Poitiers, which descended to Rich. 1., Hen. 3., Dd. 1., Ed. 2., Ed. 3.

"Guienne was another part of Aquitaine, and came by the same title to King Henry the second, namely, by marriage, and continued in the actual possession of the Kings of England by ten descents, viz. from the first year of King Henry the second; unto the two and thirtieth year of King Henry the sixth, which was upon the very point of three hundred years. King William the first brought the dukedom of Normandy with him, which by five descents continued under the actual obedience of the Kings of England, and in or about the 6th year of King John, the crown of England lost the actual possession thereof, until King Henry the fifth recovered it again and left it to King Henry the sixth, who lost it in the 28th year of his reign." Let me here remind you that as part of the Duchy of Normandy the Kings of England have held Guernsey, Jersey, Sark and Alderney. They never were ceded or conquered colonies, and possession of them has never been lost. "Calais, Guynes, and Tournay, descended to King Edward the third as son and heir to Isabel, daughter and heir to Philip le Beau, King of France." Such at least was the claim of the Kings of England in opposition to the Salique Law of France. He proceeds:—

"Calais is a part of the kingdom of France, and never was parcel of the kingdom of England, and the King of England enjoyed Calais in and from the reign of King Edward the third, until the loss thereof in Queen Mary's time by the same title that they had to France."

But, Sir, supposing that Calais was a conquered colony, it is just the place of all others which would be inapplicable for the purpose you mention it. The French law never did prevail at Calais whilst the English possessed it. Edward the 3d on taking it, turned out all the French inhabitants, and peopled it with English. He gave it a charter. He made it the emporium of the great staples of England, which the English merchants sold there to foreign merchants. As to Guernsey and Jersey, they are not now under Norman French law, though that is the foundation of their chief laws, but the feudal system and other institutions were almost abolished by a charter of King John (at least in Guernsey) which established a Court consisting of 12 Jurats; and in both the islands, indeed in all four, they have in addition to, and as varying, Le Grand Coutumier and La Somme de Mançel; ordinances by the Kings of England, or by commissioners royal, orders in Council, and some acts of Parliament in which the islands are named. Each Island, also has its assembly, through whom, with the assent of the King, the taxes are imposed, with very much of the power of the British Parliament. The result, therefore, as to your enquiries in

respect of Calais, Guernsey and Jersey, though nothing to the purpose of your accusation, is to have procured for you some information of which you were evidently before destitute, and which it is to be hoped will enable you for the future to browse with a greater degree of personal dignity in company with Pantagruel's mule than you could have ventured heretofore to indulge in. You are hardly much more correct in your wanderings to the Cape, the Isle of France, and Ceylon. To take them in the order in which you give them. The Isle of France is not under French law—but under four out of five of the codes de Napoleon—and in criminal cases subject to the criminal law of the French monarchy before the Revolution. The island capitulated 3d December, 1810. By the capitulation it was stipulated that the property of the inhabitants should be respected, and that they should preserve their religion, their laws and customs. By a Proclamation, 5th December, 1810, it was declared that the rules hitherto observed for the administration of Civil Justice and Police, should be preserved, and that the laws and usages in force up to that day should also be continued. So much for your assertion that in none of these places was there any proclamation issued re-establishing the law. There was at least a proclamation and an "inviolable" capitulation, continuing the law,—altering therefore the laws which previously were the "birth-right" of British subjects, and I believe that at the Cape, that is my recollection, there was a similar capitulation and a similar proclamation; also at Ceylon in the Maritime provinces, but that was a little before my political memory commences. The latter, however, was acquired by, and first annexed to, Madras. In the Candian Provinces there was a regular agreement entered into between the Governor, General Brownrigg, and the Candian Chiefs, and a subsequent proclamation. But be it recollected that in all these Colonies their original laws have been greatly affected by the late Charter of May 1832, and February 1833, and that whilst British judges born and bred,—administer the laws with the assistance of Juries and assessors, the writ of habeas corpus may be issued at Ceylon where there is also something like a legislative Council: not the mockery which we have here. What Roman Dutch law gives the privilege of habeas corpus?

Let me now see how far I was correct in advancing that this right and privilege—this "birth-right" was not, in India, a mere ideal, theoretical privilege, but one which had been enjoyed here by British subjects long before the Charter of George 2d.

In 1726 (13th Geo. 1.) a Charter was granted to the Company, enabling them to establish a corporation at each of the presidencies, consisting of a Mayor and nine Aldermen, of whom seven were to be natural-born British subjects. Before this time the Governor and Council of the several places belonging to the Company had possessed certain jurisdiction in civil and criminal matters over persons

living in the Company's factories, under successive Charters granted by the Crown. By letters patent of Charles 2d in 1661, it was granted that all plantations, forts, fortifications, factories, or colonies should be under the power and command of the Governor and Company; and that the Governor and his Council of the several factories and places of trademight have power to judge all persons belonging to the said Governor and Company, *or that should live under them in all cases, whether civil or criminal, according to the laws of the kingdom of England.* Under a subsequent Charter of either James 2d or William 3d, (I forget which) a civil court was afterwards established of one person "learned in the civil laws" and two merchants, all of whom were appointed by the Company, but *they were to administer justice according to British laws.*

The inadequacy of such a Court led to the establishment on the *petition of the Company* of the Mayor's Courts, as mentioned above, under the charter of Geo. 1, and a second (occasioned by the loss and regaining of Madras) 26th Geo. 2, in 1753, in which the East India Company contrived to introduce some clauses favorable to their own power, namely, the appointment and removal of the Aldermen. Mr. Cornwall said on the 10th May, 1772, that the old Charter answered all the purpose very well, and Mr. Pulteney said in the same debate, in speaking of the old Mayor's Court of 1726, that "it frequently gave sentence against the Company, and this inflexibility was the reason that application was made to Parliament (in 1753) for the power of appeal to the Governor in Council and for the power of making and unmaking the Aldermen: ever since that period no absolute confidence was to be placed in the Mayor's Court. Yet still the court of appeal has been the chief object of complaint, and with justice; for I find that there is hardly an instance of application to the King and Council from its determination where the Company has not been cast. Can a stronger proof than this be produced of its inequitous and arbitrary proceedings?" The Mayor's Courts both under the Charter of Geo. 1 and Geo. 2, exercised jurisdiction as Courts of Record in civil and ecclesiastical matters, within the respective towns of Calcutta, Madras and Bombay, and over all British subjects living under the Company; and the Governor and five members of council were created justices of the peace and were empowered to hold quarter Sessions for the trial of criminal offences, *except high treason.* Under the Charter of 13 Geo. 1. were generally introduced the Common and Statute laws of England, and it never has been disputed that all statutes previously passed not local in their operation are of force in India as regards British subjects, and within the respective towns of Calcutta, Madras and Bombay as regards all the inhabitants, excepting in as far as they may be affected and restrained by express legislative enactment. Recollect this was not an introduction of English law by King's judges, but by the

Mayor and Aldermen of Calcutta, nominated by the Governor and Council, to whom lay the appeal, and whose decision was final in matters not exceeding 1,000 pagodas.

Still as the Company's territories increased, and with these the corruption, speculation, and tyranny of their servants, who were under little or no controul, (so said the Company in 1772) these Courts were found inadequate to the protection either of the Company themselves or their subjects, and it was thought necessary to make a general alteration in the judicial system of India, and especially of Bengal.

The Company brought forward two measures, one in 1772, the other in 1773, both of which were lost. Lord North introduced a third, which was carried, and under which the Supreme Court of Calcutta was established.

It is deserving of observation that the grand struggle of the Court of Directors seems to have been the appointment of the judges; could they have secured to themselves this power, they appear to have entertained none of those apprehensions which their defeat on this point conjured up.

A bill was introduced by Mr. Sullivan, the Deputy Chairman in 1772, which gave the Company the appointment of the Judges, and the opposition to their possessing such a portion of regal prerogative, together with their tenacity upon the point, occasioned the loss of the bill, by which it was proposed to appoint, in lieu of the Mayor and Aldermen of Calcutta, four Judges, Barristers of England, *and to extend the authority of the Court to all Bengal*—not merely to British-born, but also to native subjects. This, bear in mind, was proposed by the Court of Directors.

In 1773 the Company petitioned Parliament for another bill, proposing that the Directors should appoint a Barrister in each of the Mayor's Courts, *and amongst other things that the Habeas Corpus should be extended to India.*

Lord North's bill superseded this and that gave the nomination of the Judges to the Crown.

Almost the only opposition of the Company to this bill was on the score of such nomination. So little did they then think of danger arising from the introduction of British law, and British Judges into British India, even amongst the natives, that they proposed to introduce it into all their territories in possession or expectancy; and so alive were they to the advantages of the Habeas Corpus, that, on Lord North's bill being carried in the Commons; they absolutely petitioned the House of Lords against the bill on the ground (*inter alia*) that the most effectual provision of all others to prevent oppressions, which was recommended by the Company, viz., that of the Habeas Corpus, whereby men might know of what they were accused and by whom imprisoned, was omitted. This objection could only relate to the native inhabitants, for the bill gave

authority for, and the Charter of 1773 established the Habeas Corpus in cases of British subjects, when addressed to British subjects, or to persons in their employ or in the employ of the Company.

In this objection, however, the Court of Directors were perhaps not more sincere than in another, which they made in the same petition to the House of Lords, viz., that the material effects of preventing oppressions in India by establishing a respectable court of justice on the spot must be defeated by the bill, since the persons who might be supposed to commit such oppressions, i. e. the Governor-General and Council, were exempted from the jurisdiction of the Court, and consequently left without restraint.

The bill, however, passed, and from that moment to the present English law has been administered in all matters relating to British subjects in Bengal: Supreme Courts have also been since established at the other Presidencies, but the law was the same under the Mayor's Courts as that which the Supreme Courts now administer under the Charter of 1773. Trifling but immaterial alterations have been made by subsequent acts of the British Parliament, which I forbear to quote. Then was the British law *legally* administered to all British subjects in India? I have traced down the Charters to that of 1773. As to that, as it is evident that you are at present quite in the dark, I recommend you to purchase a copy, and to study it, and if after giving it your best attention you do not understand it, which from your letter to me I think probably may be the case, or you have still any vague notion of your having the benefit of the Mahomedan law, come to me and I will do my best to make you understand it. In the mean time let us see what says the preamble to 63 Geo. 3, c. 155. S. 105, 106 and 107. It is as follows: "And whereas His Majesty's British subjects resident in the British territories in India, *without the towns of Calcutta, Madras, and the town and Island of Bombay, are now, by law, subject only to the jurisdiction of His Majesty's Courts at Calcutta, Madras and Bombay* respectively, and *are exempted from the jurisdiction of the Courts established by the said United Company* within the said territories to which all other persons, whether natives or others, inhabitants in the said territories without the limits of the towns aforesaid, are amenable: and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the place where His Majesty's Courts are abolished, *as in case of civil controversies with such British subjects, &c.*

At this time (in 1813) the Supreme Court could administer to British subjects nothing but the laws of England as they existed in 1726 (the date of the Charter of Geo. 1) whether in civil or in criminal cases—except where a Mahomedan or Hindoo was defen-

dant. They were directed in cases relating to Mahomedans or Hindoos, to give to each their own laws and usages in matters of inheritance or succession, contract or dealing, and where only one of such parties was a Mahomedan or Hindoo, the laws of the *defendant* were to prevail; and no distinction in such case is made between the right of a British born subject defendant or another defendant to have his own laws. As therefore the 53d Geo. 3, c. 155, sections 105, 6 and 7, make no mention of any change of law but only a change of Courts, and as I have your authority that no man who knows the difference between a wig and a principle can doubt that a change of *Courts changes no laws*, as I have also the authority of the Secretary to the Government of India in the Judicial department under the direction of his Lordship the Governor-General in Council to the same effect, and as it fits well with my own ideas on the subject, we will conclude that the 53 Geo. 3, c. 155, s. 107 made no alteration with regard to the law but only as to the Court in which the matter might be tried in the first instance, leaving the appeal to the Court which previously held the original jurisdiction, and which alone had any knowledge of the laws to which British subjects were liable. That is, creating one other intermediate Court for the trial of such matters. Ergo, British subjects will still have the benefit and advantage of English laws, when sued in the Mofussil, with this singular advantage—of having them administered through persons who have never studied them, but who, to take you for an example, *profess* a most intimate acquaintance with their whole principles, especially with the ancient laws of Calais, and the two conquered provinces of Guernsey and Jersey.

I am happy to say we approach the termination of this branch of our enquiries. I must mention, however, before I conclude, a civil case determined in the Rolls Court in England in July, 1819, about 6 years after the passing of the 53 G. 3. It became a question whether lands at Barrisaul in the East Indies, (in the Mofussil) held under a pottah, could be disposed of by a will witnessed only by two witnesses, the law of England requiring that a will of lands of a freehold nature should be attested by three. The Court held it could not be, as that law extended to India, and the heir at law (according to English not Mahomedan law) got the estate instead of the widow, to whom it was left by the will. This I own was contrary to what you may call "equity and good conscience," upon which in the abstract you will perhaps hardly find two men in 100 to agree; but such was the law as held by the Master of the Rolls. The case was *Gardiner v. Fell*, and the fewer the natural equitable and conscientious recommendations that a case has, the stronger is the precedent as a legal decision. The same point was also determined in the Court of Chancery (and I think in Parliament) in another case—*Freeman v. Fairlie*. One other circumstance and I have done. In the 9th

Geo. 4, a new criminal act for India was passed for British subjects embodying the then recent alterations in the criminal law of England. This act applies to every British subject in India. And now, Sir, let us pause for a moment.—When did Mahomedan law apply to me, and every real Englishman, Irishman or Scotchman in India? Where is it that we are not protected by acts of Parliament, or the prerogative of the Crown, from so gross a degradation to our nature, and from so base a sacrifice of our indisputable birth-right? What Mahomedan law applies to us? If any, is it civil law? If so how came the statute of frauds to be considered as applying to India? If either civil or criminal, how do you get over the numerous antecedent charters, and the act and charter of 1773? If criminal, how do you get over the last criminal act in 9 Geo. 4? If civil, how do you show that the Mahomedan civil law prevailed in Bengal when the Company acquired it? I thought that as to Hindoos and Armenians and others it did not prevail. On this, however, you can perhaps set me right, and shew me why the Mahomedan civil law obtained a preference over the Hindoo.

I will now take a slight retrospective view of what your labors for the enlightenment of so unworthy a "toad without feathers" as myself have produced. You made two accusations against me of laying down erroneous principles of constitutional law, and as you imagine it to be a contradiction of my statement, you cite in support of your first correction an extract which you disingenuously garble, but which even in that state does not negative one word which I have written on the subject. It lays down the rule to which the conquered are subject, the liabilities to which *they* are exposed, it shews that they have not a day's lease in their own laws beyond the will of the conqueror; but it does not impeach, but confirms my assertion, that *to carry with them their own laws into a conquered colony*, is a "birth-right" which belongs to British subjects, and if the passage had been correctly given, it would have shewn that this birth-right was "founded upon the law of nature, or at least upon that of nations."

In accusation number one, therefore, you have completely failed.

In accusation number two, for which you say you have a worse quarrel with me than for accusation number one, it appears that *you are grossly in error*; you have grossly mistaken this point of constitutional law, and that the King alone by virtue of his prerogative has a right to legislate for a conquered colony, declaring and publishing such his legislation by proclamation. Upon this matter, under the mistaken notion of my being in error, you say, "you are unworthy of enjoying the blessing of being the subjects of a free country, for holding so slavish, so execrable a doctrine. As law it is ridiculous, as a public principle it is detestable. There is no such doctrine acknowledged in Turkey. It is indeed a solecism, for how can that be a man's birth-right

which another man may take from him at his will? I will not argue it. It makes me sick to hear Englishmen in such woeful ignorance of all that an Englishman ought to know and prize, presume to speak of constitutional rights, and public wrongs, or any thing but the mechanical trades whereby they earn their bread."

Is it for you who advocate Mahomedan law, and Mofussil justice administered by Aumeens, to talk of the blessings of being the subject of a free country? to tell another that his doctrine is slavish and execrable? Is it for you to talk—to become a teacher too, of constitutional rights, who deny the legislative authority of a conquered country to be in the King, or that the King can make laws there of his own power and prerogative, (subject of course to being controuled by Parliament if they choose to interfere)? Is it for you to talk of woeful ignorance, who did not know that Calais was never claimed by the Kings of England by any other claim than that which they made to the whole of France, who did not know that Guernsey and Jersey were not conquests of England, and apparently not that they were part of the Duchy of Normandy, or if you did, who attributed their coming into the possession of the Kings of England, to the re-conquest of Normandy by Henry the 5th, or at least to a later period than that of William the 1st? Is it for you to complain of a nausea in your stomach when Englishmen talk of what I admit they ought to know and prize—of constitutional rights and of public wrongs? Allow me to ask you is there any thing which you do know of English constitutional rights or of English history? If there is, in God's name, let us have it, instead of the superficial affectation of knowledge which you would palm upon us as the substitute for the reality. If so, is there any thing in that English constitution, as it really exists, which you really do prize? If there is, again I say, in God's name, mention it, and rescue your name (albeit but a borrowed one) from the odium and contempt which you have brought upon it. For myself, I may fairly say that you would stand greatly redeemed in my judgment if I could only discover one really English feeling about you, but the only one which you have taken upon yourself to express is upon a point of English law on which you are decidedly wrong, and which has been judicially determined against your assertion, (for you say wisely, you will not *argue* it) by the Court of King's Bench in England. Blush if you can, when you reflect on all these errors, in law and history, when you reflect on your own miserable self-exposure, and when you couple this with the self-inflated vanity, the egotistical presumption, of the following passage of your letter—"I make no apology for explaining the law to you in a matter of constitutional aspect. No one need do that henceforth." I do not know whether any one need or not. I shall always be happy to receive instruction; but I will say, that without the possession of more information than you seem to

have acquired, any one had better employ his time in endeavouring to learn, than in attempting to teach. Real knowledge is always accompanied by modesty. You have evinced an equal title to each attribute. Allow me to ask you *en passant* for your book on *Turkish Constitutional Law*, from which you take your assertion that there is no such doctrine as the power of the King to govern a conquered colony acknowledged in Turkey. I own (to my shame be it admitted) that I am not very well instructed in that branch of useful and entertaining knowledge—and had always understood that the Grand Signior was absolute master of the lives and property of his male subjects, and entitled to a full inspection of the uncovered faces of the ladies of his dominions; with which power I think he might be fairly contented, as all that is greatly essential to his happiness or dignity, without stipulating more expressly for the right of publishing his edicts by proclamation. I feel therefore greatly edified and obliged by your thus explaining to me the laws of Turkey "in a constitutional aspect;" "no one," as you say, "need do that from henceforth." I am a made lawyer in that respect. A word of caution to you in grateful return. I hope, may be of at least equal advantage to you. Do not trust too much to Mr. Warren's advice that "a little of Blackstone goes a great way, and that it will conceal where it does not remove profound ignorance." This is by no means the invariable case; I have known it signally to fail: I dare say, many of your friends by this time could tell you the same. *Verbum sat*. To do you justice you are not wanting in natural shrewdness and quickness. You would make a good review writer—and by the bye, my dear AMICUS (we are on friendly and confidential terms now) who are you? I have heard it said that you are even the great Thomas Babington Macaulay himself. Then I have heard one Secretary of Government named, then another. Then others say you are only a young civilian. The first person named, I cannot believe you to be. Mr. T. B. Macaulay, I admit, after being the author of such an act as the Appeal-Rescinding Act, might have been guilty of the same errors in law as you have been—but it is scarcely possible to conceive he could have made so many glaring mistakes in English history. Nor would he, I think, have forgotten proclamations at the Isle of France and Ceylon conferring upon the inhabitants their own laws, made after the time when he was a mere child; nor charters granted at the Cape and Ceylon when he was a member of the Administration that sent them. I have my own reasons for not giving much credit to the supposition that either of the Secretaries are my AMICUS. Amongst others they must be very undeserving of their situations if they were not better instructed in the history of this country than they would seem to be from your letter.

I am willing to take you as merely a young civilian. That is one of those who might hereafter have to administer in the Mofussil the British laws to British subjects. Suppos-

ing yourself removed with all your efforts and worldly knowledge, including the 1st vol. of Blackstone, to your cutocherry, what chance of a legal decision would any British subject have. If I had bought the house at Barrisaul from the heir-at-law on the strength of a decision of the Roll's Court in England, and the widow came to claim it as hers under the will, under what law would you decide so far as you could make yourself acquainted with it? If by the Mahommedan there would be, if by equity and conscience there *might* be, two contrary decisions. If by the English law; and I had not the decree of the Rolls with me to produce, how could I feel secure of your coming to a decision according to what is the law of England after the gross mistakes which you have already made in a letter written to correct what you supposed to be the errors of another? Who, when the question is as to the "birth-right" of a British subject, in a conquered colony, applies the case of Scotland, a separate kingdom, as if an illustration in point; and speaks of three different ancient possessions of the Crown none of which were ever claimed as conquests, and two of which never were conquests of any description, as other illustrations in point when no one ever dreamt of asserting that the "birth-right" was any thing in any other place than a colony or a plantation. And yet such or perhaps very inferior persons to yourself in natural talent, are the Judges we have assigned to us to administer in Persian, a language we do not understand, and which is not the language of the country, with witnesses examined before a corrupt omrah, laws which the Judges have not studied, of which all are more or less ignorant, and which few will give themselves in this country the trouble to acquire. This supposing even we have an English Mofussil Judge, what will the case be with Mahommedan Aumeens? No, Sir, if you really are desirous to elevate the moral dignity and worth of the inhabitants of India, seek it by worthier methods than debasing your own countrymen. Rather seek to make the natives worthy of the promotion which has just been conferred on one of them by Sir John Hobhouse. To teach this you must not repress the pride which they begin to feel in British customs and institutions. Rather confer upon them the advantage of British law and British freedom. Teach them that Great Britain is nearly the only nation in the world from whom they could expect to receive, or by whom they would be protected in the enjoyment of true liberty, subject to the restraint only of wholesome and equal laws, under which the growing liberties of England have been fostered, and are now confirmed and consolidated. Of this they will be convinced every day more and more; and every day become better, and more attached subjects. Do not encourage, whilst you forbear to offend, their prejudices. Do not deal too roughly with their faults, the growth of ages and engendered by oppression, but rather lead them by gentle degrees to the adoption of

better and nobler principles and feelings. The faults and vices of deceit, of perjury, of forgery, and bribery, are those of a weak people exposed to a tyranny which almost justifies, if any thing can justify, their use. These cannot be got rid of in a day,—it must be the work of time—but every step you retrograde from Hindoo or Mahomedan barbarism is an advance in the march of improvement, an advance to a better and a juster feeling. Every slight you offer to the feelings and institutions of Englishmen retards the desired reform, because it tends to degrade and lessen those who ought to be held up to their admiration and their envy. Open to them our Courts, give them for some time only English Judges, make English the Court language (why not here as well as amongst the Dutch boors, and the Hottentots of the Cape) take the evidence *à la voce*, before a jury of the people, and get rid of a venal bribe-loving amlah. Lessen the expenses, and unravel the intricacies of our law. Simplify our Chancery proceedings, and get rid of that hot-bed of expense and perjury, the Examiner's Office, and its written depositions derived from the Star-Chamber. Hear no excuses for the non-attendance of native juries; teach them that it is the first step towards the administration of their own law; teach them that it is a situation of honor, and a duty which every man owes in his turn to, and has a right to demand from, his fellow-man. Punish perjury with severity, and bribery and corruption, both with severity and infamy. Let your capital punishments be few, and other sentences be almost invariably executed. Reward those, whether native or European, and those only, whose conduct has been upright and honest: those who have been righteous over little entrust with more. When by these and other means you shall have taught the inhabitants of the country the virtues of truth and integrity; have taught them to feel a pride in the performance of a duty equal to what they now feel in the acquisition of wealth, when they can feel that every man's advancement depends on the propriety of his conduct, you will have done something to introduce feelings upon which the pride, the happiness, the freedom of Great Britain is founded. You will never attain this by the debasement of Englishmen. I am however getting into a subject too long for a letter. This has already run to a length which could I have foretold I should not have dared to commence it. A few passages however of your letter which yet remain, ought not to be unnoticed. Montesquieu,—who, be it observed, is not a writer on the Constitutional Law of Great Britain, but upon the Spirit of Law in general,—in the passage cited by you, says nothing of how many modes there are of a conqueror treating his own subjects in the conquered country. I will shew you that if he had, he must have mentioned one which you say is an impossible law, one that never was heard of—namely, that the subjects of a country should carry with them their own law to conquered colonies, whilst the conquered

might retain their own,—“a notion which never entered the heads of the barbarian conquerors of the Roman Empire.” Now I confess I thought that this had entered the heads both of the Romans and their barbarian conquerors. That the Romans incorporated their conquerors with themselves, and gave them their law, whilst a Roman was entitled to be judged only by the Cæsars. I thought it was under this that Paul appealed to Cæsar. Perhaps you have forgotten that passage of history. It is as follows:—

25. And as they bound him with the cords, Paul said unto the centurion that stood by, Is it lawful for you to scourge a man that is a Roman and uncondemned?

26. When the centurion heard that he went and told the Chief Captain, saying, take heed what thou doest; for this man is a Roman.

27. Then the Chief Captain came and said unto him tell me art thou a Roman? he said yea.

28. And the Chief Captain answered, with a great sum obtained I this freedom. And Paul said, But I was free born.

29. Then straightway they departed from him which should have examined him, and the Chief Captain also was afraid, after he knew that he was a Roman and because he had bound him.”

Let me give you another “passage of History” from Gibbon's Decline and Fall of the Roman Empire, a work you might study with advantage: you will see this in Chapter 38. “The Gauls, who impatiently supported the Roman yoke, received a memorable lesson from one of the Lieutenants of Vespasian, whose weighty sense has been refined and expressed by the genius of Tacitus. The protection of the republic has delivered Gaul from internal discord and foreign invasions. By the loss of national independence, you have acquired the name and privileges of Roman citizens. You enjoy, in common with ourselves, the permanent benefits of civil government.”

In the same chapter you will find some information also as to the barbarian conquerors of the Empire. “The Merovingians, instead of imposing a uniform rule of conduct on their various subjects, permitted each people, and each family of their empire, freely to enjoy their domestic institutions; nor were the Romans excluded from the common benefits of this legal toleration. The children embraced the law of their parents, the wife that of her husband, the freedman that of his patron; and, in all cases, where the parties were of different nations, the plaintiff or accuser, was obliged to follow the tribunal of the defendant, who may always plead a judicial presumption of right or innocence.” Precisely the law which has prevailed here 110 years, which we advocate, and which to you is not only an unheard of, but an impossible law. I have now only a little personal quarrel to settle with you. In your letter you say

"You, Mr. Turton, if you detect an illogical phrase in the proceedings of a Mofussil Magistrate, hastily dictated after he has carefully satisfied himself of the justice of his order, are used to dilate upon it with a happy fluency, to say that it would disgrace a fourth form boy, and to wind up your opinion, by saying that such is invariably the manner in which justice is administered by the gentlemen of the Civil Service." All this may be very true—we are bad judges of our own defects or merits—but all I can say is I do not believe it to be true. I do not recognize the weakness. I thought, however, I had been more courteous, and had dealt less in terms of general abuse: mind I don't say particular abuse when the occasion may have called for it. However, I may say, that after about a double apprenticeship in the Supreme Court, I have managed so to discharge my duties, I hope fearlessly and honestly, as to satisfy my clients, and I believe to make as few enemies, as most barristers in pretty extensive practice, even among the Civil Servants, whom as a body I highly respect; and amongst whom I reckon some personal friends, and had more who unfortunately have died; but I am not so much of a flatterer of any men or body of men, as to say that I do not think that many

of them have faults, and some of them faults which are more frequently seen in that service than you would find amongst an equal number of English gentlemen at home.

I never valued myself on any pretensions to eloquence, and even still less on careful or fine writing.—I am perhaps culpably careless in both matters. I have always endeavoured to do my duty in a plain, strait-forward way, and to make myself master of my case. I pretend to nothing more, at least in Court. Whether I am unfit to be a leader of the public or not is for others, not me, to determine; but to speak honestly, I think I have as good a right to attempt to lead, if I do so attempt it, as for you to attempt to mislead them: in which respect you will not succeed, whatever I may do in mine:—I have never attempted to lead them to any thing but freedom of thought and speech—to think and act as became free-men and good subjects.

Farewell, Sir. If you wish for further discussion with me, you must come forward in your real name. I shall not correspond with you for the future under your anonymous signature.

I am, Sir, your obedient servant,

Hurkaru.]

THOS. E. M. TURTON.

## NOTES ON INDIAN AFFAIRS.

### No. LIV.

#### ON THE LANDED TENURES, AND EXPEDIENCY OF INTRODUCING A LAW OF PRIMOGENITURE AMONG THE PEOPLE OF INDIA.

It would enable my readers more clearly to comprehend this paper, were they to refresh their memories by perusing No. 18; the substance of part of which I will summarily recapitulate. The intent of it was to show, that although the Hindoo and Mahometan law prescribes equal division of landed or indeed all property among sons or co-heirs, yet that in practice the most heterogeneous jumble of equal division—arbitrary and very unequal division—the law of primogeniture—and in some cases all but community of property—had obtained. The eight or nine descriptions of the mode in which landed property often, or rather usually descends in families, which are given in No. 18, will show the extraordinary confusion into which landed property must by this time be reduced if judged by the abstract law of the case; the summary of these is as follows. One of three or four sons, not always the eldest, will, at the father's death, contrive to secure possession of a much larger share than he is entitled to; this will usually descend to his sons, but rarely in equal portions. Sometimes a son-in-law, nephew, uncle or other relation will manage

to obtain a considerable portion of the family lands to the exclusion of the sons. In short I do not believe that, either among Hindoos or Moossulmans, a single instance could be found of landed property being divided according to the law, among all the members of the family for two generations together. In general the most active, intelligent and hard-working persons almost always obtain a much larger portion than their strict right; while the others acquiesce from indolence, being satisfied by a smaller share with less trouble.

It is not unfrequent that one or more members of a family will tacitly relinquish his or their share of the land altogether, and either subsist by working as a labourer or by going to service; living sometimes with the family, at others altogether separate, or possibly with his father-in-law at a village several miles off; and never during his life returns to claim his share.

Now where such customs have existed from time immemorial, in a country where there have been no surveys; where no written

records of the changes are preserved, where no registers of births, marriages, or deaths are kept, except in the families of the very rich, there is ample cause for confusion in the proprietary right to the respective portions of land into which the estates have become divided. In addition to this, the country has been placed constantly under young boys of three or four years standing, one-half of which has been spent in College and the journey to the interior, who were utterly ignorant of the people, and customs of the country, yet who were allowed to assess the amount of revenue, and have been vested with all sorts of judicial powers to decide claims to landed property of the most intricate nature. After all this a claim is advanced by one of the family, or other person, to some portion of the estate. All is confusion and uncertainty. The revenue officers are usually guided by one rule; that is, to give the preference to the one who is most likely to pay his rent with the greatest regularity. The judicial officers under the idea of being guided by the Hindoo or Mahometan law, generally go back to the earlier ancestor whom they can trace, and according to the number of sons in each generation, award to the suitor the portion which would fall to him. Then again the decision of neither one or other class of officers ever mentioned the number of biggahs awarded to any person; it was so many biswahs, biswansees, &c. without at all specifying in what part of the estate the land was situated.

It is difficult to decide theoretically which has been productive of most evil. By the revenue officers, estates or portions of estates were taken from one and given to another, those to whom they were given being registered sometimes as thikkadars (renters) at others zemindars (proprietors) without any apparent reason for the difference: and when disputes arose, to save the Collector trouble, a reference to a previous register would too often decide who was to possess the land, without reflecting that it was some accidental circumstance or perhaps a bribe to a native revenue officer, which had caused that individual to be rated as the owner of the land in the first instance. As Holt Mackenzie observed in his minute of October 1st, 1830—"A strange, arbitrary, and unreasonable force being given to the mere record at settlements, made in confessed ignorance, the revenue authorities held themselves bound by their own acts to maintain men of straw and paper as renters." The principle of decision on the other hand usually adopted by the judicial officers, would, were it fully enforced regarding every sharer in an estate, effect a complete revolution in the whole tenures. One man who as well as his father before him had worked as labourers, would suddenly be declared proprietor of a couple of hundred biggahs, without possessing any agricultural cattle or implements or the means or credit to procure them: another would be brought from a distant part of the country and pronounced to be owner of a hundred, others would be stripped of

what they and their fathers had held for years; and sometimes it would even happen that the very head farmer, who had managed the concerns of the village with satisfaction to all concerned for many years, with a couple of hundred biggahs under his own cultivation, would be left in possession of only ten or twelve.

Practically the evil produced by the proceedings of the Collectors has been much greater than that caused by the Judges. These officers were almost always men of considerable standing, and may therefore, with some exceptions, be supposed to have acquired some experience and knowledge of the people. What sort of persons were too often appointed Collectors, or to act as such, I have above described. Besides the Judge was obliged to go through a legal investigation before he pronounced his decision: the Collectors merely held a short summary enquiry and the order was given. Nay, a bribe to a native revenue officer would not unfrequently cause a man to be put in possession of a piece of land, while the ousted person might strive for months and years, and not procure justice after all. But were the principle on which the Judges acted in suits for land fully carried into effect, it is probable that one half the lands in the country would be at once thrown out of cultivation; and most certain that affrays, bloodshed, and murders without end, would follow. Besides the decisions are rarely just according to the abstract law of the case. Written records, such as can be depended upon, do not exist, and the award is generally guided by tradition; the little dependence which can be placed on this may be imagined from the fact (an experiment easily tried by any one) that if a hundred men of any village were separately called on to give in a genealogical tree of his family for two or three generations, no two would agree together. Rarely, indeed, can any trace be followed beyond the grandfather or great-grand father of the existing race: but after having numbered all that can be considered descendants of the farthest back whose name can be discovered, in most villages there are many others of the same tribe as the disputants, and who undoubtedly are descended from the stock, though at a more remote period. Many of these have for generations held portions of land. Why should not their rights be recognized? Yet in many instances they were absolutely dispossessed.

It is in the execution of decrees, when an attempt is made to cause the sale of landed property, that the confusion to which all the tenures have been brought, is most strikingly forced into notice. Under the apprehension I believe that the revenue might possibly be in danger, the Judges were never allowed to attach for sale land paying rent: they must do it through the Collector, and the process is to send to the latter to enquire what is the debtor's portion of landed property, and after certain forms to desire him to sell it and remit the proceeds to court for the purpose of being paid to the plaintiff. Now with the



exception of the papers relating to the ~~same~~ lately carried on, and on which I ~~shall~~ ~~now~~ ~~have~~ something presently, the whole of the ~~land~~ ~~and~~ ~~probably~~ ~~half~~ of the English ~~and~~ ~~all~~ the revenue offices in the upper provinces are the greatest ~~of~~ ~~land~~ ~~and~~ ~~misstatements~~ that ever were collected together. Not one atom of real information could be collected from it at all. I speak advisedly. Most of the Collectors pretend to have made minute enquiries, into rights, titles, possession and other points of this nature, and to have formed accurate registers of the result; this has been going on for thirty years or more, yet there does not exist one single officer, English or native, connected with the revenue department, who of himself and from his records alone, without making enquiries for the express purpose in each case, could point out the land which belonged to any single individual in the country.

In proof of what is above asserted, I will give a few specimens of the replies very commonly received from Collectors when enquiries are made as to the amount of the landed property belonging to a debtor. Very often the answer is that a man's name is entered in the books as proprietor of a certain quantity of land; but that it is not all his, as there are several others entitled to shares: but the respective portions of these have never been investigated. In other cases the Collector reports that having successively called on the officerecord-keeper, tihseeldar, and kanoongo, none of whom could give any information, a reference was made to the putwaree, who states defendant to possess so much. In one instance the information from the Collector's office was that one of the defendants, Jeewun, had a share, but he could not say how much. The putwaree's report was that Jeewun possessed a quarter of a biswah, the other defendants none at all; while the kanoongo states that Jeewun possesses two biswahs, and Dhunnoo, another defendant in the same suit, one. In another the Collector reports the defendant to possess no land; the kanoongo assigns him a portion. Precisely the same as this occurred over and over again. The Collectors often, indeed generally, call for a report as to the share of the individual's land, from their own officers, the tihseeldar and kanoongo, and receive replies as to the amount of the share, each differing from the other. It never seems to strike them how utterly incorrect and useless their records and registers must be when such is the case; indeed, so little do they appear to think about it, that they usually forward all the reports to the Judge: I wonder they have not the ~~now~~ ~~to~~ send him one, and keep the others safe in their own office. Then again after the Collector has reported a defendant to possess so much land, (some very small portion) repeatedly the plaintiff has come forward in the Judge's Court, declaring that to be a complete false statement, and offering to prove before any Commission which should be sent to the village, that the defendant and his father before him had possessed and cultivated four,

six, or ten times the quantity of land specified by the Collector; and that it is on the security of this very possession that he has been able to borrow money. For all this there is no remedy: the Collector has pronounced the defendant to possess only so much, and only so much can be sold; the Judge is not allowed to interfere, not even when the report rests solely on the statement of the putwaree, who for a small bribe will declare a defendant's share to be one-tenth of what it really is, that but a small portion of his land may be sold in satisfaction of the decree.

Then again the mode of stating what a man's share of an estate is, is most vague: it is not given in biggahs, but on biswahs, biswansees, &c.; and when after a world of trouble, so much land, or rather so many biswahs, &c. are sold, no man knows what is sold, or where it is situated; what portion of the groves or tanks of the village belong to that share; and the consequence of this loose mode of proceeding are according as the creditor's or the debtor's family may be the more rich or powerful. In the former instance the debtor's family will stop the sale by paying the demand of the creditor, in order to prevent his becoming the purchaser of the land, by which in one way or other they would be subject to much annoyance and loss. In the second case the debtor's family threaten all intending purchasers with their ill will, and thereby prevent the land being sold: the numbers of reports from the Collectors of the sales not having been effected, in consequence of no purchasers being forthcoming is quite surprising; and thus the poor plaintiffs are defrauded of their money. It is very different when a Collector seizes goods for sale to realize some Government balance: he can then be sufficiently active and summary, nor is he very scrupulous whether he has seized the right person's property or not. If others unconnected with the defaulter claim a portion of what is attached, the system too often is, sell it first, realize the Government balance, and so keep up your own character: leave these people to get justice as they can. I beg to assure my readers that I have known many of such proceedings. Indeed, to show the arbitrary nature of some of the Collectors' orders, a case was lately brought to the notice of the superior court, in which one of these officers had reversed a decree of the civil court given twenty-six years previously and turned the old proprietor out of his estate, because he had taken some personal dislike to him.

After such proceedings have been carried on for more than thirty years, it is no wonder that landed tenures have been brought into such confusion that no one could make a title. Within these four months a district judge reported officially to the superior Court, that in his Court landed property had almost ceased to be accepted or even offered as security: merely because he required two very simple conditions—first, that the person offering himself as security, should state plainly the number of biggahs he possessed—secondly, that on a summary inquiry in his village, his claim

should not be disputed. There are few men in the whole of the Upper Provinces who could comply with these conditions. Is this a melancholy state for a country to have been reduced to? and still more lamentable is it that it has been effected not by any necessity, but by the ignorance and inattention of successive English functionaries. In the words of Holt Mackenzie's minute before quoted, "Instead of taking the people as they existed, we forced them into all incongruous positions to meet inapplicable laws; and their properties were necessarily thrown into a state of indescribable confusion, from a system of revenue management\* conducted without judicial investigation, and of judicial decision without revenue knowledge."

But it may be asked where was the fault? what ought to have been done? Simply this: instead of following our own absurd ideas, and enacting laws totally unsuited to the people, we should have enquired what their customs were; we should then have discovered that in disputes regarding land between members of the same village, the abstract law of inheritance never was in the least regarded either by any native tribunal, or any native arbitrators. Unless in the case of possession acquired by force, and that too but recently, actual possession invariably formed the grounds of the decision of the above authorities before the country was acquired by the British. I have known some Judges who were perfectly aware of this, and have occasionally heard one after giving a decision of the usual nature, observe that he was quite alive to the injustice he was causing, but that he could not help it; and that if he were to give a really just decision, founded on the customs of the people, not only would it be reversed, and the abstract law reverted to, but he might probably receive a reprimand from the superior court with whom all law was gospel.

Matters have at length however arrived at such a pass, that something should be done, and that speedily, to rescue the landed tenures from the anomalous and incomprehensible state to which they have been reduced. Government have however made one great step. For the last year and a half a surveyor and junior revenue officer have been employed in each district, precisely on the plan recommended in No. 18, which was published in July 1833. The revenue officer ascertains the boundary of each estate, and where it is disputed he is authorized to oblige the parties to appoint arbitrators by whom the matter is immediately settled, and whose award is final.† The surveyor then

forms a map of the estate, with all its groves, tanks, roads, and other principal points; he also ascertains what is cultivated, culturable, and waste land. After him comes the native surveyor, who fills in the detail of the different fields. This is done with any, but not with a view to the future, and never a map for the estate is made, or a correct record is made, any person to whom a field is meant in the event of any dispute or suit. I believe every field is numbered, but whether the names of the respecting owners or occupiers have yet been fully ascertained, I am not quite certain. It is however intended to do so. The Board of Revenue, with the sanction of Government, have followed this up by authorizing a settlement for twenty years, on terms calculated to leave a fair share of profit to the cultivator. Any thing like a Ryotwar settlement is as much as possible avoided; and what is more than all, Collectors are prohibited from enquiring into any claim to land unless the dispossession have occurred within a year, all others are referred to the Civil court. This last rule has given more satisfaction to the people, than can readily be conceived; while the native officials are lamenting the sad diminution of their golden harvest, which has been thereby caused.

One more step is now required under this head; to be guided by the native customs, throwing aside the incubus of abstract law, which never was followed in the matter under discussion, until introduced by us; to take actual possession as the basis of a law, and declare that no man shall be ousted by any thing but a decree of a Civil court, some minor provisions would be required regarding the preferring of suits. When any portion only of an estate were claimed, the plaintiff should be required to state his demand not by biswahs, hiswansees, &c. but by the actual number of biggaahs he sued for; and to accompany his petition of plaint by a map, copied from that in the Collector's office, which for a small fee he would be allowed to procure, showing the actual portion of land for which he sued, including groves, tanks, streams, &c. if any; and the boundaries of the same, with the names of the owners of those lands which bordered on the litigated portion. A Judge would then understand his ground in a suit regarding land, which is rarely the case at present. The requisition of such particulars would doubtless prevent many suits from being preferred—frivolous demands having scarce a shadow of foundation; but they would not in the least deter those whose claims rested on good grounds. Finally, as soon as completed the new settlement should be declared perpetual; but this has been so often urged in these papers that I shall say no more about it.

\* More properly mis-management.

† The only danger is that when two or three insulated cases of injustice in the settlement of the boundary shall have been discovered—and such will to a certainty occur, whatever care may have been taken; for in some cases the young revenue officer who was employed on the duty was quite unfit for it—the danger is that Government will, as they have too often done, enact a general law,

on account of a particular evil, and appoint a Commission to revise the whole of the present boundary settlements. Better let the isolated injustice stand than put every thing into confusion all over the Upper Provinces.

The next step is the introduction of primogeniture. The system of division of landed and other property among sons or co-heirs, which it contains, is a law which it contains a tendency to lead to a despotism, either direct, or through the more circuitous route of mob rule, and the rise of some military dictator. The great want that has been felt in the British-Indian administration, is that of a respectable body of landed proprietors as a link between the rulers and the people. Liberty and equality are very desirable, but it is not the equality of poverty which is beneficial to a country: a country can no more thrive, whatever may be said by absurd theorists about every man with his cottage and his acre of ground, without a due gradation of ranks of society, than a regiment could be kept in order, with only the field-officers. When the mass of the people have little more than a bare subsistence, no hope can be entertained of education or improvement: the whole will be little higher in the scale of rationality than animals.

Such a law as is proposed would be no hardship to the people; for strange as my readers may think it, the rule of primogeniture, was in practice among them, until we "forced them into all incongruous positions to meet inapplicable laws" far more common than the abstract law of equal division. Wherever the title of rajah, or nuwab\* (prince) was attached to an estate, it always descended unbroken to the eldest son. This was often the case with those which had the title of thakoor (chieftain). The former have been supported by the English, the latter very rarely. Not far from where I write a suit is now proceeding. A thakoor died, leaving two sons by two wives. The mother of the younger son has instigated him to demand half the estate. Now, in the first place, it is notorious that from time immemorial the lands have descended undivided to the eldest, as can be proved by thousands of the most respectable witnesses: and in the second all the other relations, uncles, and cousins to the twentieth degree, protest against the right of the younger son to claim half; they say our ancestors gave up their rights to support the dignity of the chieftain, and this has continued for several generations.

\* The title of nuwab is rarely attached to an estate, since all the sons of a man of that rank, call themselves by that title. In some of the towns in the Upper Provinces there are nuwabs whose sole subsistence is one or two rupees per month: they live by gambling, and getting up street brawls and extorting money. They are the most despicable people in the place, and a perfect nuisance to the respectable inhabitants.

whether by custom or law can any division take place,\* but if the lands are to be divided, what right have these two brothers to demand half each? Let us go back to the earliest ancestor we can trace, and begin dividing the estate, continuing the division at every generation, so that every one of us may obtain his share according to the abstract law of the case, if that is to be the rule of practice. This is unanswerable, according to the custom and law of the Hindoos, and to justice. But I have little doubt that the whole will be disregarded, and that according to the abstract law of the case, the estate will be divided among the two brothers. This sort of subversion of all their laws and customs, is probably one of the specimens of the blessings which the British-Indian Government have conferred on the people of India.

There is another strange anomaly in the succession to property among the natives. By the law a man cannot bequeath his property of any description by will, to one son to the prejudice of the others, and a suit by one son for a whole estate (such are sometimes though rarely preferred) founded on the will, would be dismissed either in a native or a British court—be the parties Hindoos or Mahometans. Yet in practice a man of either class can sell or give the whole of his property, real or personal, ancestral or acquired, to whomsoever he pleases. It may be seized and sold for arrears of revenue due to Government—or by a creditor—and hundreds of cases could be quoted from both the natives and British Courts to prove the truth of this, and that these customs have been always upheld. What then becomes of the law of entail which is implied in the prohibition to devise property by will to one of several co-heirs to the exclusion of the others? How easy is it for a man to evade the law, by giving his property before his death (taking care to comply with the legal enactments regarding gifts of property) to the son whom he wishes to succeed him: or by means of a convenient friend he may make up a pretended sale to the latter, who some time after will do the same to the owner's son.

The contradiction which exists between the law and practice are anomalous and absurd to a degree; the litigation, fraud, and roguery to which they give rise is immense; the gradual and inevitable reduction of all landed proprietors to the situations of paupers—all these are circumstances which should induce a serious consideration of the propriety of altering the law on this head; more especially when we view the matter in another light. What will, what must be, the result of all this? Where is it to end? If one person can with ease, cultivate and comfortably live and bring up his family on the produce of twenty biggahs, what will be the state of his sons or grandsons? The chief revenue of the British

\* This is not only Hindoo law, but has been supported in some decisions by the Sudder Dewannees; though I cannot at this moment quote the cases.

Indian Government is derived from a direct tax upon the land; how will this be realized when each cultivator possesses land sufficient to support existence? contracts, laws, and laws, for punishment will be all in vain, each man will sow his crop, cut it, and attempt to prevent this will require an army of revenue officers nearly as numerous as the cultivators themselves; and as for realizing balances, all that will be left for Government will be to seize each man's covering of coarse cloth, and his few earthen pots. To sell his land would be useless, it would not fetch above a few pence and the purchaser would do just the same. This may not happen in our time, and may be retarded or accelerated by accidental circumstances, but the ultimate result is as inevitable as the decay of a tree after it has passed its full growth.

In some countries the members of a family are found to enter in agreements among themselves to obviate the evil of such a law; nor is such an occurrence unknown. In Jersey and Guernsey where equal division exists, laws are made with a view of obviating the evils which are practically experienced.\* Little, however, can be expected from private arrangements, or patchwork laws, which do not strike at the root of the evil; inasmuch as with the majority of people selfish consider-

ation and immediate enjoyment will weigh more than that of benefit to others. This consideration may allay the fears of the law of primogeniture, but the law of primogeniture, and the ruin of large estates, such as the one in India, is a fearful and it happen in India, where the law of primogeniture is prohibited, land has been so subdivided that every encouragement has been given to consolidate the different portions into large or moderate farms, so as to allow of attempting improvements, and to prevent as much as possible its re-division. It is lamentable in India to see the gradual impoverishment of the old families, the ruin of their residences, and the absence of any middle class to whom the peasants might look for example and assistance in times of difficulty and trouble: for the principle of divisions of property has been carried to a much greater pitch under the British Indian Government than under any native power.\*

When we consider the limited extent, the small population, and the great and unparalleled prosperity and power of England, it is obvious that there must have been some principle at work to have produced this; and I believe if properly analyzed, it would be found attributable more to the law of primogeniture than to any other cause. The effects have been that younger sons instead of being contented with moderate temporary comfort, with the prospect of leaving their sons or grandsons in a situation little above day-laborers, have been obliged to go forth into the world, and struggle for their own livelihood; and some of them have founded families more wealthy than that from which they originally sprung. Others, being endowed with a moderate life income, have remained single, devoting themselves to literary pursuits; and the heads of the families have in succeeding generations often acquired such influence over their tenantry, that they have been often able to counteract the instigations of the factious and evil-disposed. It is not unfrequently urged in England that the majority of eldest sons knowing that they must succeed to the estate, prefer amusement to study in their

\* In Jersey and Guernsey, the law awards two-thirds to the sons, one third to the daughters, and the islands are described as covered with pretty little farm houses, and contented families live on their fifty or sixty acres each—to such has it already come. This is very romantic and charming. Next generation will see them living in small cottages working hard to cultivate each family its ten or 15 acres, with little or no education. In the third we shall find them living in hovels each with its three or four acres, slaving like horses, with scarce food to eat or clothes to cover them, and with about as much knowledge as the cattle that draw their ploughs, to the great delight of the cottage and acre visionaries. It may perhaps take five or six generations, if their families are very small, to arrive at this pitch of degradation; but with such customs it is their inevitable fate. But they have a law, which I believe exists also in France, that if the eldest son can pay the value of the other's shares, he may take the whole; it is however rare that the eldest son has the means of doing this. The law was expressly made to prevent the too great splitting of estates. There cannot be stronger proof that the people themselves perceive the evil principle of their system of equal division, by their having enacted a law expressly intended to counteract it. If their old custom be really good, why make a law to check it? and if it be bad why not go to the root of the evil at once? They cannot unfortunately.

"Facilis descensus Averni

Sed revocare gradum, superaque evadere ad auras  
Hoc opus—hic labor est."

No nation in which this infernal custom of equal division of landed property has for sometime existed will ever relinquish it, unless forced to do so by a power which they have no means of resisting, such as a foreign conqueror or military dictator. The reason is simply that the majority of people prefer present ease and comfort to the general benefit of their country; and the younger sons must always be a much more numerous body than the elder ones. But by the law I propose for India a man may leave his estate to any son he pleases.

\* The only benefit which I allow that the English Government has given to the people of India,—freedom from foreign invasion, has here proved an injury.\* Formerly one or two sons would get knocked on the head in some battle, and the estate would descend unbroken to one; so that those who were left lived pretty comfortably. Now there are no battles, they all live; but they are half-starved. I have often heard them condemn the present and grieve at the old system.

youth, and consequently are very often placed in high situations in which they are often placed. There is no doubt that but when we look at the good and bad of the English law, we find that the English law is not so good as it seems to be.

land in the actual owner or cultivator having obtained, it should be declared that as he paid his rent, he should not be disturbed by anything, but a decree of a Civil court.

Second. To abolish the absurd anomaly between the law and practice, both of Hindoos and Mahometans, and to enact that every man shall be absolute *bona fide* owner of the property of whatever nature which he may now possess or hereafter acquire, without reference to the means by which it was acquired—provided, of course, they were legal according to the existing law and practice—and that he may absolutely dispose of it by gift, sale, will, or any other legal mode.

Thirdly. That all real property of any person dying intestate, should pass to his eldest son or heir.

N. B. Entails should be absolutely prohibited.

I cannot see that this slight infringement of their customs implicated in the last rule, would be any hardship on the people, since every one has it in his power to avoid coming under that law. I would even go farther, and to prevent litigation, would enact that when a man divided his property to several parties, unless he had so specified and defined the share left to each, so that there could be no mistake, the will should be null and void, and the real property should devolve to the eldest. There might also be a minor provision that on an eldest son succeeding to his father's landed property, if the latter's dying intestate, he should be required to give his brother and sisters who remained unmarried,\* a small annuity in money for their lives; the amount of this to be reckoned in proportion to the rent

\* This may surprise some of my readers, but in Mahometan families old maidens killed are not uncommon, and I have known a Hindoo girl who was unmarried at twenty-six years of age, not because there was any thing against her character, she was of low rank, so there could have been, one should suppose, no difficulty in procuring a husband.

house be left to two or three persons, the evil consequences of the law No. 43, it should be at the discretion of the court, the proceeds paid to the parties. I have been informed by several English merchants who have lived among the people, that they have reason to believe that many of the younger sons, particularly among the Hindoos, would be pleased with such a law to prevent the ruin of the old families: and my own enquiries incline me to the same opinion.

The operation of it would be peculiarly beneficial among the Mahometan families of rank. The system of the British Government has been to exclude these from all official employment; by the division of the family property no one of the descendants has sufficient to keep up the appearance of his ancestors; and the consequence is, that having nothing to look forward to, they too often lose all self-respect, spend their lives in licentiousness and debauchery, and die in debt and in disgrace. The division of property is one great cause of this. All the sons of a nuwah, like French counts, are allowed, at least tacitly, to adopt the title, and each thinks himself too grand a personage to accept any inferior employment; but the eldest prohibited from adopting the title, their pride would be lessened, and they would be more willing to accept employments, especially since the very respectable situations of Deputy Collector, and Principal Sudder Ameen are now open to them, and might thus become respectable or valuable members of society.

But to conclude. To attempt to rescue the land tenures from the "indescribable confusion" to which they have been reduced by "settlements made in confessed ignorance," by "revenue management conducted without judicial investigation," and by "judicial decision without revenue knowledge." To remedy the anomaly and absurdity which exists between the law and practice of both Hindoos and Mahometans,—and to create some private and defined property in land, are objects of paramount importance. The three suggestions contained in this paper, would, if carried into effect, do more to regenerate the Upper Provinces, and to attract skill and capital to that part of the country, than any others that could be devised.

A FRIEND TO INDIA.

July 18, 1835.—Harkness.

## APPEAL AGAINST THE REPEAL LIII. GEO. III. CAP. 155. SEC. 107.

## No. I.

TO THE RIGHT HONORABLE LORD AUCKLAND,  
G. C. B., GOVERNOR-GENERAL OF INDIA.

*S'p.* Is that the law?  
*For.* Thy self shalt see the act,  
For as thou urgest justice, be assured  
Thou shalt have justice, more than thou desirest.

MAY IT PLEASE YOUR LORDSHIP,—Although I humbly agnize your Lordship's great providence and wisdom, as manifested in a law about to be passed on the 8th day of May next, for the subjecting of all persons whatsoever in this country, in all civil suits whatsoever, to the courts of first instance in each zillah and city of India, I do something doubt whether your Lordship has quite a perfect foreknowledge of what your Lordship in Council is about, to do, or of what your fore-runners, equal in power and wisdom, who have been law-givers to us in India aforesaid, have done. And although it may seem not a little to savour of presumption in me, who am but one who minister to the laws when made, to lesson those who have the higher task of making them, I must adventure, seeking pardon withal, if in aught I should offend, to point out to you what I conceive the old law to have been, and what may be the consequences of the new law that is to be. By the 107th section of the 53d Geo. 3d. Cap. 155 it was enacted, "*that all British subjects of his Majesty should be subject to the jurisdiction of all courts of the Mofussil having cognizance of civil suits, in all actions and proceedings of a civil nature in the like manner as natives of India and other persons not British subjects were then liable to the jurisdiction of such Courts by and under the regulations of the Government of Fort William, &c.*" This was an example of the omnipotent wisdom of Parliament; an appeal was however given to such persons to the Supreme Court, instead of an appeal to the Sudder Dewanny Adawlut, at their option: this option your Lordship in Council is about to take away, while you re-enact that they shall be subject to all the Mofussil Courts in all civil actions whatsoever in like manner as the natives of India; this will be a sample of the omnipotent wisdom of your Lordship in Council. I have seen your Lordship's answer to the British-born inhabitants of Calcutta, who petitioned your Lordship in Council, and therein I perceive that your Lordship in Council is made to say that, "*the rescinding of the 107th clause of the charter act of 1813, will make no change in the rights of British subjects. Its effect will be merely this, that what has hitherto been done by the Supreme Court, will be done by the Court of Sudder Dewanny Adawlut. THE SUBSTANTIVE LAW REMAINS THE SAME.*" Your Lordship is not quite accurate; the rescinding of the 107th clause would make a change in the rights of British

subjects, were it not for the act about to be passed; but it is not my purpose, dealing with weighty matters, to criticise the paragraphs of Secretaries; I shall proceed to what is matter of substance, and very respectfully ask your Lordship in Council this question:—WHAT IS THE SUBSTANTIVE LAW WHICH REMAINS THE SAME, AND TO WHICH, ADMINISTERED BY MOFUSSIL COURTS, WITH AN APPEAL TO THE SUDDER DEWANNY ADAWLUT, BRITISH SUBJECTS WILL REMAIN AMENABLE? I can anticipate your Lordship's answer. Of course I cannot suppose any thing so derogatory to the dignity of your Lordship and your Councillors, as to suppose that you will vouchsafe any public answer to a newspaper writer, but your Lordship and your Lordship's Councillors, and your Lordship's Law Commissioners and your Lordship's Secretaries, will all of you ask of your own minds what law? and you will make answer unto yourselves thus:—THE SAME LAW THAT WAS BEFORE: THE LAW OF THE MOFUSSIL. If this answer could reach my ears, I should agnize a fresh proof of the great wisdom with which this portion of our world is governed. When your Lordship is pleased to recollect that Englishmen are SUBJECT AND ARE TO BE SUBJECT IN ALL CIVIL SUITS OF WHAT NATURE SOEVER, TO THE JURISDICTION OF THE MOFUSSIL COURTS IN LIKE MANNER AS THE NATIVES OF INDIA, and when your Lordship is pleased to refer to the 8th Section of Regulation III. of 1793, to see in what manner and to what suits natives of India are subject, your Lordship will scarcely fail to see that the law of the Mofussil in many, nay most of such cases, must needs be the law of England, for this plain and cogent reason, that there is no other applicable to their condition. Your Lordship will observe that I revere the forecast and wisdom of your Lordship in Council and of your assistants the Law Commissioners, too much to suppose that the LAW OF THE MOFUSSIL in questions relating to the MARRIAGES, DIVORCES, INHERITANCES TO REAL, OR SUCCESSION TO PERSONAL PROPERTY, OF BRITISH SUBJECTS, is deemed by any of you to mean either the HINDOO OR MAHOMMEDAN CIVIL LAW, or even that sort of law which a Zillah Judge, however profoundly versed in the writings of Bentham and the new philosophy of jurisprudence, might apprehend to be a much wiser rule in each case than the law of England. If your Lordship in Council, or the Law Commission, know of any other systems of Civil Law which prevail in the Mofussil than the Hindoo and Mahommedan systems, (except the law of England,) then I most freely admit that your knowledge is greater than my knowledge, and I might say, than any man's knowledge. I rather apprehend that some of the powerful, sagacious, and straight-forward understandings of which your Lordship must needs have taken counsel, must have intended to evince to the

world in a striking manner the universality of the Civil Service, and with how little of the preparatory training usually deemed needful, they could administer in all its simplicity and integrity the law of England; that law which they and the Government they serve, have ever looked down upon as beneath them.

Your Lordship will permit me to observe that I cannot gather clearly from the letter, which your Lordship in Council has vouchsafed to write in answer to the Memorial of the British-born Inhabitants of Calcutta, any answer to the question I have ventured to ask, nor am I able to say whether your Lordship really does or does not suppose that there is a SUBSTANTIVE LAW IN THE MOFUSSIL other than the law of England, applicable to all cases in which British subjects may be suitors. Perhaps your Lordship's advisers will tell you that there is such a law; I must with great submission tell your Lordship that there is not, and I beseech your Lordship before you decide the matter from what you may hear from the Secretaries or the Law Commission, or at the Council Chamber, to read the Acts of Parliament and the Regulations for yourself. An awful veil of secrecy is drawn over the deliberations of Indian legislative wisdom, and we cannot know by any public means, what are the reasons which lead to the making of laws. Some little time is given to us, inhabitants of Calcutta, to scan and consider the laws proposed, after the Government stands committed by an approval in the first instance, and to the other Presidencies I perceive that your Lordship in Council grants sufficient time to petition or remonstrate by return of post; but we learn nothing, at least most of us, of these things beforehand. Some indeed who are honored with the acquaintance of the great men who recommend, promulgate, pass and execute the laws, may form some conception of the first causes which lead to such effects, but we who have to obey, must all be forgiven if we should misapprehend what passes in the minds of those so superior to us, and who I understand are greatly above communicating with, or seeking for information from others on such subjects. I have supposed that your Lordship in Council apprehends that there is some third code of civil law in the Mofussil of which I never had the fortune to hear, if in this I have misapprehended, I pray that I may be forgiven; and I shall proceed to prove that there cannot be well any other law than that of England in the case of which I treat.

The Act which is to be law on the 8th of May, I put here—

Act No.—of 1836.

It is hereby enacted, that from the—day of—the 107th Clause of an Act of Parliament passed in the 53d year of King George 3d, and entitled “an Act for continuing in the East India Company for a further term the possession of the British Territories in India, together with certain exclusive privileges—for establishing further Regulations for the Government of the said Territories, and the better administration of justice within the same, and for regulating the Trade to and from the places

within the limits of the said Company's Charter”—shall cease to have effect within the Territories of the East India Company.

11. And it is hereby enacted, that from the said day, and within the said Territories, no person whatever shall, by reason of place of birth, or by reason of descent; be in any CIVIL PROCEEDING WHATEVER, excepted from the jurisdiction of any of the Courts hereinafter mentioned—that is to say—

The Courts of Sudder Dewanny Adawlut—of the Zillah and City Judges—of the Principal Sudder Ameens—and of the Sudder Ameens in the Territories, subject to the Presidency of Fort William in Bengal.

The Court of Sudder Adawlut—the provincial Court—the Courts of the Zillah Judges—and of the Native Judges, in the Territories, subject to the Presidency of Fort St. George.

The Courts of Sudder Adawlut—of the Zillah Judges—and of the Principal and Junior Native Commissioners, in the Territories, subject to the Presidency of Bombay.

Your Lordship will note again, what it is plain your Lordship must already have so well considered, that no person is exempted, and no civil proceeding is exempted, from those *after mentioned* Courts. Here, I next place the 8th Section of Regulation III. of 1793—

VIII. The *zillah* and city courts respectively, are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land-rents, revenues, rents, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries, and generally of all suits and complaints of a civil nature in which the defendant may come within any of the descriptions of persons mentioned in Section 7, provided the landed or other real property to which the suit or complaint may relate, shall be situated, or, in all other cases, the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside as a fixed inhabitant, within the limits of the *zillah* or city over which their jurisdiction may extend.

Thus will stand the law, as it *will* be written, and until I discover the third code for which I have yet to seek, permit me with great respect to submit the following questions: Do *zillah* or city Courts or Courts of Sudder Ameens understand the common law? Do they understand the Statute law? Do they understand the Canon law? Do they know the difference between a use and a trust, an estate in fee and an estate-tail, a contingent remainder and an executory devise; when a will is properly executed according to the Statute of Frauds to pass land to a devisee and when it is not? Do they know the law merchant, the bankrupt law? Do they know the Statute of distributions and who ought to be preferred among the next of kin in granting administrations? Do they know the law relating to wills, what papers should be admitted to probate and what should not; the rights and duties of executors? Do they know when an English woman is lawfully married and when she is not,—what causes are sufficient to divorce a *mensâ et thoro*, what a *vinculo matrimonii*? I could prolong this list, as your Lordship who has studied the laws of England I believe, well knows, but it would be idle to do so. I must beg leave to ask but two questions more, ARE THE SUBJECT MATTERS OF THESE QUESTIONS SUBJECT MATTERS OF CIVIL PROCEEDINGS, OR ARE THEY NOT? and if the

Zillah Courts, &c. after the 8th of May next, are asked to decide all or any of them, MUST THEY NOT DECIDE THEM, AND BY THE LAW OF ENGLAND TOO? Possibly your Lordship's advisers may inform you that these Courts must needs understand such matters, because Parliament and your Lordship in Council have made them competent to decide them: it is a stringent argument and to a lawyer shuts out all doubt. That some such conclusion has already and thus early been attained by your Lordship seems apparent, from the passage in your Lordship's answer in which you are pleased to say "*Points may doubtless arise which cannot be properly decided without a knowledge of the English law: but it does not appear to his Lordship in Council that it will be more difficult for a judge of the Sudder Dewanny Adawlut on such an occasion to learn what the English Law is, than it is for a Judge of the Supreme Court to obtain information touching the Hindoo or Mahomedan Law.*" The Courts of "first instance," such as those of Sudder Aumeens, &c., mentioned in the proposed act, seem to have been left out by some inadvertence; doubtless they too are as competent to settle points of the law of England as the Supreme Court, and your Lordship, who must know them so well, has given them high praise indeed, praise which fills me, whose "*Indian experience has been confined to Calcutta,*" with an extreme admiration for the intuitive knowledge which must be possessed by a Judge of the Courts of the East India Company. Your Lordship having made this comparison, will be pleased to learn what enhances the value of the praise you have so wisely and warily bestowed; you will be pleased to hear what the modesty doubtless of the gentlemen of the service around you concealed, namely, that the Supreme Court has for 62 years administered both the Hindoo and Mahomedan Law; that these systems of law were studied, understood, and administered by that Court nearly a quarter of a century before the Sudder Dewanny Adawlut existed; that the Supreme Court was provided at its institution with Hindoo and Mahomedan lawyers as assessors to assist the judges to administer those systems when less known, that in addition to these sources of knowledge it is provided with a body of advocates and attorneys who make those systems their especial and diligent study, for more, much more than nine-tenths of the cases decided in this Court, are decided by one or other those systems of law. Possibly your Lordship will admit these are advantages which the Supreme Court possesses; it will only make the praise of the Mofussil Courts, implied in your comparison, the more valuable. My professional pride compels me, however, to dissent from any implied equality between an English Barrister and a licensed vakeel of a Mofussil Court; and I cannot think that the learned gentlemen last named will find it quite so easy to learn what is the law of England *pro re nata*, as for a Barrister to find out on the very rare occasions when he may happen to want it, what is the law of Hindoos or Mahomedans. Should I be right, and should

this not be a little piece of professional vanity and self-love, still it only places the superiority of Mofussil Judges in a more striking light; and when, indeed, I ponder on the fact, that these learned vakeels in addition to addressing these learned Judges (as is the daily custom in these excellent Courts) in a language which neither Judge nor pleader understand, will have to argue points of a law that neither Judge nor pleader understood before, I forget the precept of Horace, to which, accustomed as I am to Indian legislation, I had hitherto held fast, and am fairly overcome with admiration! I was prepared to expect great things from the LAW COMMISSION, but this imperishable monument of their deep knowledge and forecast, high capacity and hardy genius, surpasses the utmost expectations of one who yet hoped for much.

I had intended to add the feeble tribute of my praise to the law and Judges of the Mofussil, but as these gentlemen have through your Lordship been pleased to say of themselves, that, "*their is a body which abounds in men as honorable and as intelligent as ever were employed in the service of any state,*" what can I add more? and how ungraceful it would be for an anonymous writer to commend men who can speak with such propriety so much of themselves. Of the Law Commission, however, I may speak; their business seems to be to smooth the difficulties that roughen the tortuous path of Anglo-Indian Legislation, and the most prominent member seems to possess in an unusual degree that quality common to all great men, the quality of decision; and to doubt of nothing but the capacity of others. The duties of the Law Commission are set forth in the 53d section of the last Charter, (that Charter of freedom for India, as I remember me it was hailed here and in England by the *very-liberal*) in these words—

LIII. "And whereas it is expedient that, subject to such special Arrangements as local Circumstances may require, a general System of Judicial Establishments and Police, to which all Persons whatsoever, as well *Euro-peans* as Natives, may be subject, should be established in the said Territories at an early Period, and that such Laws as may be applicable in common to all Classes of the Inhabitants of the said Territories, due regard being had to the Rights, Feelings, and peculiar Usages of the People, should be enacted, and that all Laws and Customs having the Force of Law within the same Territories should be ascertained and consolidated, and as Occasion may require amended;" be it therefore enacted, that the said Governor-General of India in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission, and from Time to Time Commissions, to such Persons as the said Court of Directors, with the Approbation of the said Board of Commissioners shall recommend for that Purpose, and to such other Persons, if necessary, as the said Governor-General in Council shall think fit all such Persons, not exceeding in the whole at any one Time Five in Number, and to be styled, "*The Indian Law Commissioners,*" with all such Powers as shall be necessary for the Purposes herein-after mentioned; and the said Commissioners shall fully inquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing Forms of Judicial Procedure, and into the Nature and Operation of all Laws, whether Civil or Criminal, written or customary, prevailing and in force in any Part of the said Territories and whereto



any Inhabitants of the said Territories, whether, Europeans or others, are now subject; and the said Commissioners shall from Time to Time make Reports in which they shall fully set forth the Result of their said Inquiries, and shall from Time to Time suggest such Alterations as may in their Opinion be beneficially made in the said Courts of Justice and Police Establishments. Forms of Judicial Procedure and Laws, due regard being had to the Distinction of Castes, Difference of Religion, and the Manners and Opinions prevailing among different Races and in different Parts of the said Territories.

What reports must they not have made, what enquiries must they not have entered into, to come to the conclusion that "*due regard being had to the difference of religion, and the manners and opinions prevailing among the European race*", a suit concerning, (for example) the marriage of an English lady and gentleman, could be committed to the decision of a Judge who *might* by that Charter be a Mahomedan or Hindoo? Can I say more in their praise or give a more cogent example of their very peculiar merits?

Permit me to congratulate your Lordship on this popular and fortunate commencement of your legislative career; your predecessor's talents for this kind of legislation, his freedom from all bias and prejudice on such subjects, was well known, you no doubt found all prepared for you reception, and it was impossible for him to divest himself with a more wise dexterity, for you to assume his mantle with an easier grace. If there should be any discontent created by this first essay, your Lordship will readily believe the assurances of those around you that all that any English Lawyer *can* have in view is to extend the jurisdiction of the Supreme Court; that the Civil Service of the East India Company is quite free from any bias of that kind or from any disposition to extend their own powers; and that all that gentlemen so able and honorable can have in view is, to increase the happiness of those they are so happy as to govern without control; and that they only wish to administer English Law to Englishmen, in order to refresh their recollections of a free system, which their situation here, possessed as they are of irresponsible power, and armed with legislative impunity, might otherwise lead them now and then a little to forget. The Government of the East India Company is quite superior to the imputation of having usurped power by constructive subtleties. It has always been too frank and bold for that course. The most pregnant proof I can afford your Lordship is to request you will deign to read the 36th section of the 13th Geo. 3d Cap. 63, which until this last charter of freedom, constituted the only sanction which Parliament ever gave to the assumption of legislative power by the corporation called the East India Company. I next request your Lordship to refer to the 23d Section of the 21 Geo. 3d. c. 71, and beg to inform your Lordship that with the prohibition to make laws repugnant to the laws of England and the command to have all laws registered in the Supreme Court remaining unrepealed, this Government chose to found its whole body of legislation, to make laws affecting, life, liberty, and estate, on the

authority of that 23d Section of the 21 Geo. 3d c. 71 which gave the Government power "to FRAME REGULATIONS FOR THE PROVINCIAL COURTS AND THE KING POWER TO ALTER AND AMEND THEM, PROVIDED SUCH AMENDMENT DO NOT OCCASION ANY NEW EXPENSE TO THE SUITORS OF THE SAID COURTS. If your Lordship should suppose this cannot be so, I beseech you to ask of your advisers, experienced in such matters, where *they* find any legislative authority in the acts relating to India to frame laws or Regulations. They will probably tell your Lordship that the East India Company possessed a power to make law, by being made DEWAN of the GREAT MUGUL. This reply will doubtless satisfy your Lordship as an English constitutional lawyer and a judge in the highest resort—but whether it does or not, your Lordship can next ask how this power by right of Dewanship gave the Government here a power to do such things for example, as to prohibit British subjects from holding land, as they did by Regulation 38 of 1793, or to repeal an Act of Parliament as they did by regulation 4 of 1828? These doings gave the benefit of a precedent, which the great genius who began to make law on the Neilgherry Hills was not slow to follow; and accordingly the first commencement of the new era of legislation under the new charter of freedom, was a thing called a law, which coolly dispensed with the Act of Parliament by which the legislators sat, and had authority. Did your Lordship ever hear of this before?

Your Lordship in your letter is made to hint very significantly that an Act of Parliament giving an appeal could easily enough be got rid of, *indirectly*, by the Government of the Company. And so it signified very little to British subjects that they had got an appeal to the Supreme Court where others had it to the Sudder Dewanny Adawlut, because the Company's Government if so minded could easily abolish the appeals to the latter. To be sure, there was nothing in their way but an Act of Parliament. Your Lordship in Council is made to continue thus, "*was this power suffered to be dormant.*" I humbly thank your Lordship's Secretary for this plain exposition of the principles which guided formerly, which will guide for ever, the legislation of the servants of this corporation called the East India Company. It is seldom that a state paper has so much of the instructive quality of candour. To the example cited by your Lordship in Council from the Regulation 4 of 1827, I will add one from Regulation 4 of 1828; in that case the Government, under the guidance of that eminent and successful statesman Mr. Holt Mackenzie (the author, be it remembered, of this new charter of freedom in conjunction with one equally eminent, but who, as he is now amongst us, and might take my mention amiss as savouring of flattery shall be nameless) was pleased to pass a general *Quo warranto* act, concerning all rent free lands; and in order to settle the questions between it and its subjects with more facility and satisfaction to itself, was also pleased to abolish an

appeal to the Sudder Dewanny Adawlut, then as now, as I sincerely believe and most readily avow, filled with honorable and independent judges; thus *indirectly*, (happy word) aiming a blow at the permanent settlement, and very directly depriving of an appeal to the Court where their chance of justice was greatest, those to whom Parliament had given it. ONE FACT (says a Hindoo lawyer) IS WORTH A HUNDRED TEXTS; and we need seek no farther proof that an Act of Parliament can afford no security to any rights, while a plenary legislative power is lodged in the Government of the East India Company. These matters announced in a letter from Government itself, will teach even the supine a lesson not to be unlearned.

I have the honor to be, your Lordship's obedient humble Servant,

A LAWYER.

No. II.

"Strike but hear"

MAY IT PLEASE YOUR LORDSHIP,—I wish I could make this second letter more worthy of your acceptance and perusal; absolute want of leisure prevents my doing more than settling down in the order that they arise, some thoughts that may not be altogether unworthy of notice; if I had more time to arrange them, they would perhaps make more impression.

Your Lordship may be certain that no man in this country (whatever he may think of the motives of others or of their conduct) has as yet any distrust of yours: all men believe *you* wish to do what is right, and if they are not satisfied with your first legislative essay, they are perfectly well aware that it is a legacy of unpopularity purposely prepared and left you by your predecessor and his co-adjutors, who have (pardon the word) made you a tool for their own ends: however it is not my purpose in this letter to enter upon any such very debatable subjects, and I shall confine myself as much as possible to what no man can dispute.

I shall have occasion to speak in general terms of the civil service and of some general considerations that must never be lost sight of, in weighing the merits of the system of law the judicial branch of that service administers. It is my most earnest wish, however, to avoid in speaking of an antagonist system, all that is unjust, and I feel (no man more) my deficiency in the knowledge requisite to make a fair and complete comparison of the working of the two systems of law, which it has pleased fate and fortune, the supineness of Parliament, and the activity of a corporation-made Government, to inflict upon this country and to put into practice at the same time. If there be any thing that I have studied and understand, it is, in its larger points of view, the working of these systems; if there be any thing that I despise, in matters of this nature, I despise most a vulgar and party spirit of detraction, when it affects a mind that has to consider these systems at work. The evils that exist are necessary evils; they

have been brought about by the existence of a silent contest, "*a war in disguise*" between the law of England prescribed by Parliament, and a watchful anti-national corporation; every man here is the sufferer, but no man, except, perhaps, a few of the heads of the Company's Government, is really and morally responsible for the evils caused.

I throw roughly together some observations made during a long experience, and I shall attempt but few inferences, for as I said before, it is really with difficulty I find time to write, and I have no time to combine:—

1st.—The Company's Judges are dependant on the Company: in a more intense degree by far than Colonial Judges on the crown: they depend for their rise in the service on the pleasure of their masters—their situations are shifting. A Collector is a Judge, a Judge a Collector, they march from pillar to post, from post to pillar, they are fit for every thing to which they are appointed: a collector of 20 years, who has never read a Judicial Regulation, and is as ignorant of the Hindoo and Mahomedan codes, as I of Sanskrit, becomes at once an Ambulant Court of Criminal, Civil, Revenue law.

2ndly.—These gentlemen receive no legal education in the first instance, but the lectures at Hertford: they are not trained to measure their minds with other men's: they hear no contradictions—they are under no incentives to do more than the work necessary to rise in the service—they have not the spur of necessity—their subsistence is secure, their fortunes, (as to a decent competence) also secure, for a pension of a thousand a-year awaits all of them, for a sum about a sixth of the market value of like average annuities.

3rdly.—They are *irresponsible* to all but Government: the law, see the 23d section 21. Geo. 3d C. 70, says so, see also the recent case of *Calder v. Halkett*.

4thly.—They are irresponsible from their situation; place me in the middle of a million and a quarter of men with the powers of a judge, make me a judge or a Court Ambulant, (as a commissioner is) among some 3 or 4 millions; make me, too, a rogue, (with the sense God has given me, and you see I do not mean to boast from the example I put) and I should feel that the Sudder Board, and the Sudder Adawlut, and the Supreme Council, and the Government (pardon me the disrespect) and the Court of Directors, were very small things, and very insignificant personages in my district.

5thly.—They are the servants of a corporation, ANTI-NATIONAL in spirit: the unwearied enemy of every one of their countrymen in India not sworn and covenanted to their service. A corporation that had the offrontery at one time to claim a right to this country independent of the nation, the power to make even Pitt with all his haughtiness, quail before this pretension, and keep it in abeyance: the skill to make England believe that it was for the good of this people that she should not

govern nationally, and that not an Englishman should set foot here without the license of this Company of Traders: the skill, too, to make the power of summary and despotic transportation even yet a debateable question, while powers were given to their local legislature that made it necessary to reserve by express words the rights of the Crown and the powers of Parliament! Do you smile? read the last CHARTER, and know, my Lord, your own powers, almost as great as those a Dictator of old Rome ever swayed, and all given against that worst of enemies, the interloper, the uncovenanted Englishman. I dare say you will soon learn from those around you that if a *Habeas Corpus* can issue to deliver an Englishman from a Mofussil Jail, there is an end of this Government, and that we shall all have to run to our ships.

6thly.—*The Civil Service detest privilege, they abhor caste, among their own countrymen:* there is nothing so frequent in their mouths as the abomination of having one man set above another by the law: they can't abide it: they require equality, they wish to treat Englishmen as Hindoos and Mahomedans; and if you ask why not rather treat Hindoos and Mahomedans as Englishmen, they say (that is the more candid) that the said Hindoos and Mahomedans are not fit for *that*, and if they were, the Company can't afford it: others will tell you that these Hindoos and Mahomedans are really so well off that no man need wish to be better. The first or candid style is more common *here*, the latter or self-laudatory in England and before Parliamentary Committees, where evidence is packed and public lies uttered without contradiction.

7thly.—To resumé a sober vein and quit irony: these Provincial Courts have NO HONEST ASSISTANCE: they have Hindoo and Mahomedan Law Officers, who may for aught I know, be trust-worthy, more or less, but their other officers of Court, their *Amlah* are one and all (unless universal fame greatly errs,) corrupt. My own experience of the natives leads me to the conclusion that they are most excellent servants, and very bad masters; worthy ministers of justice, when the Judge is worthy and diligent, and compels them to be so, but about as fit to be Judges themselves as I the Atlas to uphold this world. Now conceive what this Government asks of its servants in the judicial line? They put ONE MAN into a province (like Midnapore, Burdwan, and many others) containing ONE MILLION AND A HALF OF HUMAN SOULS, (a population larger than KINGDOMS in Europe, than Denmark, Hanover, Wirtemberg, Saxony,) they surround him, with men, astute, experienced, alone knowing the feelings of their neighbors and their colloquial language, pay these men, as we pay in England butlers or under-gardeners, and then they ask of their Judges right decisions, and those without stint, and say they get them.

8thly.—Notwithstanding the diligence of the Company's Judges, their Court files are something perhaps that your Lordship

never dreamed of. A good many years ago, a very excellent man and upright Judge told me there was a file of 9,000 civil suits in the Zillah of Burdwan! your Lordship may find out how many there are now) and as far as I can learn, in almost all Zillahs you may still count by hundreds and thousands, and a *regular suit* cannot be heard for 3 or 4 years. They will tell you in the Supreme Court suits last for 30 years, and instance the cause relating to General Martin's will. Permit me to tell your Lordship that that cause only began in 1816, and indeed as to the French parties only in 1818, that it was delayed for years by the necessity of sending Commissions to France for evidence, by the extreme difficulties of a very strange will, and by the death of most numerous parties interested and at a distance: ask then about the famous PATNA CAUSE (of which you may have read in that most elaborately veracious, candid and pleasant of historians Mr. James Mill, now one of the head clerks of the India House) and you will find that it was delivered in 1780 or thereabouts, from the rapacious gripe of English law, and that it was so well nursed, that if I mistake not, it was alive three years ago and I believe lives yet.

In short, my Lord, (for I am obliged to break off with these rough and hasty memoranda, which I sincerely wish I could arrange better for you) HEAR BOTH SIDES and then decide, whether it is right and fit to deliver over British subjects to the discretion of the Civil Service, *without the protection of any law*; thus leaving them in a situation in which none but they and their kindred and descendants the Indo-British race will be placed: THE OUTLAWS OF THE EAST INDIA COMPANY.

I have the honor to be, your Lordship's obedient humble Servant,

A LAWYER.

### NO III.

Sir Josiah Child, as Chairman of the Court of Directors, wrote to the Governor of Bombay that he expected his orders were to be his rules and not the laws of England, which were a heap of nonsense. "compiled by a few ignorant country gentlemen, who hardly knew how to make laws for the good of their own private families, much less for the regulating of Companies and foreign commerce.—Mill, v. 1 p. 113, 8vo.

MAY IT PLEASE YOUR LORDSHIP,—In my last letter I had occasion to speak of the Civil Service, and to treat of some general considerations that must never be lost sight of in weighing the merits of the system of law the judicial branch of that service administers; it is my intention to pursue that subject, but before I resume it, I must take leave to guard against misrepresentations, and the chances of being misunderstood, by re-stating the question respecting the merits of the draft act which has given rise to these letters, and by briefly recapitulating the arguments I have used.

The proposed Act enacts that all persons whatever, in all civil proceedings whatever, shall be subject to the jurisdiction of the local Courts of the East India Company: for British subjects it has thus provided Courts,

but it has not provided those Courts with any rule or law for their guidance, unless it be the law of England, or, the law of justice, equity and good conscience: no man knows what is to be the rule or the law, and it has become necessary for the British-born Inhabitants of Calcutta very respectfully to ask what the Act means. The former letter of Government might have thrown light on this very doubtful point, but it has made that darker which was dark enough without; a PREAMBLE might have been a key to the meaning of an Act which does not explain itself, and it would seem to any other men than the Legislative Council we have the happiness to have set over us, to be an additional good reason for adding it, that an unrepealed Act of Parliament expressly enjoins it, (see. 37, Geo. 3d, s. 8, c. 142) but our law-givers have made good precedents for making light of such slight things as Acts of Parliament.

In this state of the question, it was my endeavour to shew—1st, that the law of justice, equity and good conscience, was not a good law in all civil proceedings whatever for Englishmen to live under; 2dly, that it was not good that the Judges of the Civil Service should administer it to them without controul; 3dly, that it was not good that those Judges should administer even the law of England, because they do not know it, and besides labour under disadvantages which must ever disqualify all but a very few indeed amongst them, for administering any law to their fellow countrymen, being as they are, the servants of a Government, against which it is necessary that Englishmen here resident should have some protection; AND BEING AS THEY ARE JUDGES, WHOSE OWN INDEPENDENCE IS NOT SUFFICIENTLY PROTECTED AGAINST THEIR OWN MASTERS, WHO ARE NOT SUFFICIENTLY TRAINED AND EDUCATED, NOR EXCLUSIVELY ENOUGH DEVOTED TO JUDICIAL INVESTIGATIONS; AND BEING AS THEY ARE, JUDGES OF WHOM TOO MUCH LABOUR IS REQUIRED TO RENDER IT POSSIBLE THEY SHOULD PERFORM IT WELL, EVEN IF THEY HAD HONEST AND ADEQUATE ASSISTANCE, WHICH THEY HAVE NOT. This is a summary of the question as I have stated it, and of the arguments I have used. I have *not* said that it was good that the law should remain for ever, as the 107th section of the 53d Geo. 3d, c. 155 has made and left it. I have *not* said that it was good for British subjects to be exempted from the jurisdiction of any possible local Courts: I have *not* said that it was good that the Supreme Court solely should have jurisdiction over them, or that an appeal should lie to it alone, (though this last I do think, and may *hereafter* maintain to be good) I have *not* said that better local Courts should not be created, nor that a law applicable to debts and contracts between a British subject, and a native, Indo-Briton, European or Asiatic foreigner, should not be devised and enacted; nor that such portions of the civil law of England as must needs prevail here should not be defined, digested and declared. These things I have *not* said: your Lordship if you do me the honour to read these letters will I

am sure, have borne in mind as well what I have said as what I have not, and this recapitulation is not intended, or necessary for those who carry a candid spirit to the consideration of this question, and who are willing to hear both sides fairly, it is intended to protect the writer and the cause against carelessness, error, and all but wilful, downright, deliberate misrepresentation. As to the *interest* of the body to which I have the honour to belong, and the credit and reputation of the Supreme Court, right sure I am that they will not suffer if this Act be passed as it is, and as to the interest of the individual who addresses you, (if it be worth while even to allude to such a thing,) he would have best consulted his private interests by silence; but he has felt as a citizen as well as a lawyer the mischiefs of this Act, and therefore has spoken, and will speak his thoughts upon it.

As far as the question has given rise to public controversy in the newspapers, the arguments on the other side may be summed up pretty nearly thus: 1st, the Supreme Court is a prodigiously expensive Court, and therefore the worst in India; 2dly, the law of England is a tissue of knavery and folly, unworthy of the consideration or obedience of any man of common sense, and administered by a body of rogues, and therefore pending the preparation and completion of that great work, the code, which is to render us equal to Hindoos and Mahomedans, it is good that the Civil Service should administer to us the law of justice, equity, and good conscience. Shade of the venerable Bentham, did your philosophy ever dream of a code so compendious as this, “of a law machine, simple as a top, energetic as a guillotine,” and which a man may carry about in his toothpick case! It may be conceit in me, but I cannot think your Lordship and your Lordship’s Council will derive much assistance from such arguments as these; and it seems almost idle to notice them; however public opinion is not always quite in accordance with absolute wisdom, and a controversialist cannot safely altogether overlook any adverse arguments; I must not here digress from the subject of my letter to answer them in detail, and must reserve most part of what I may have to say on these heads to future occasions; but I request your Lordship as a statesman to ponder on what may be the effect on the future relations of England and this country, of abolishing in it the only national institution of Englishmen, of removing the only check to the power of the local Government now armed with plenary legislative as well as executive power, (and which must ever be permanently and most effectually guided by India House influence, because that corporation has the keenest interest in the matter, has the whole patronage, and much the best local information, and must always, therefore, be the most watchful and the strongest) of training up a whole body of Judges in total ignorance of the laws of their own country, of training up a whole body of Englishmen and their descendants to regard those laws as the laws

of a foreign land, protecting no rights, conferring none, of prescribing to these men a law which they can have no share in making, of placing over them Judges to administer it, appointed by jealous and exclusive patronage, and segregated into a superior caste, bound together by a common and sinister interest, because they enjoy the most invidious and impenetrable monopoly of office and privilege, to the participation of which even high desert and the greatest intellectual qualification are no passport. Think on these things, my Lord, and ponder well whether by passing this act, you will indeed strengthen the ties that bind India to England, and promote the happiness of its millions, while you deal the death-blow to the last remnant of the free spirit that yet lingers amongst its thousands. Are these matters to be treated by legislators and statesmen in a party spirit, confounded by one-sided arguments and headlong advocacy, scribbled about as if they were electioneering squabbles? From you at least and from some of the members of your Lordship's Council we hope for better thoughts. I recall the injustice I once did the Law Commission: I thought, on so important a subject they must needs have been consulted, I should have thought, too, the Advocate-General of the East India Company might have given an opinion on the effect of a repeal of a section of a weighty act of Parliament, not to be disdained even by this Government, which had the happiness of possessing in the Fourth Ordinary Member of its Council, a man possessed of a knowledge of law, and legislative moderation and wisdom which passeth all understanding; I now believe, however, that not one of these gentlemen was consulted at all.—Honor to those to whom honor is due; the honor of this act must be divided in a great measure between your Lordship's predecessor, bound by an Indian charter to peculiar responsibility, and the Fourth Ordinary Member of Council, bound to peculiar knowledge of law. Of the one we say it is worthy of the originator of the Hyderabad question, or (to descend from great things to small) of the Vestry Squabble; of the other, that it is in perfect keeping with the genius that dictated Act No. 1, of 1834.

I return to the argument against the expensiveness of the Supreme Court, which it seems in some men's minds would, if true, dispose of the question entirely, and render it highly expedient to pass this act: in the first place, then, I premise, that IF THE SUPREME COURT WERE ABOLISHED TO-MORROW MORNING, EVERY ARGUMENT AGAINST THE JUSTICE AND EXPEDIENCY OF THIS ACT WOULD ACQUIRE ADDED STRENGTH. IT WOULD BECOME NECESSARY TO CREATE A COURT OF APPEAL COMPOSED OF MEN WHO WERE NOT COMPANY'S SERVANTS, OR IF THEY WERE ADMITTED, TO SECURE THEM IN A COMPLETE INDEPENDENCE OF THEIR FORMER MASTERS; then, indeed, with a law defined instead of being vague even to ridicule, and with local courts reformed and supplied with English as well as Mahomedan and Hindoo Law Officers and Assessors, and

with Judges trained to law, confined to its profession and practice, rising to distinction by their desert in performing judicial duties and no other, you might place British-born subjects under their jurisdiction in all civil proceedings whatever, with justice and propriety, BUT NOT TILL THEN. Of the statements respecting the expensiveness of the Supreme Court, I shall here only request your Lordship to bear in mind that so far from being admitted, I affirm that they are grossly exaggerated, and so completely erroneous as to be utterly worthless; they are more than that—they are mischievous misstatements if they should produce any effect on public opinion, (a matter I do not however calculate on) they would be much more mischievous indeed, if it could be supposed they would influence Government which possesses the power and means of arriving at exact conclusions. This is all I think I need here say, except that I may remark that a limited jurisdiction is in itself a cause of dearness of law, and that the more work is done by a Court, the cheaper, (as far as the charges of its officers are concerned,) can all labour be afforded to the public and to individual suitors. With this remark I leave the subject for the present; I shall, however, return to it, unless prevented by some cause entirely unforeseen, and I shall also take leave to examine other charges brought against this Court, such as the allegations that it is its wish, and its endeavour to increase its jurisdiction by illegal and unjust means; that it has ruined every opulent native in Calcutta; the statements respecting Hukeen Mehdy Ally Khan's case and that of the Tusseeldar of Mozuffernugger, &c. &c. By treating these matters, your Lordship and the public will at least have the advantage of hearing both sides of questions on which, hitherto, the East India Company and their servants have had pretty nearly all the argument to themselves; for your Lordship will find whatever else may be said of lawyers here, it cannot but be admitted that they have not only not assailed the system or conduct of their antagonists, but have not defended their own, when assailed in state papers, resembling in tone and temper and argument, the style of speeches of Old Bailey Counsel, as examples of which your Lordship may refer to certain minutes of your predecessor, and to a parliamentary report, the authorship of which I know not, but may conjecture to lie some where between Mr. Holt Mackenzie and Mr. Thomas Babington Macaulay.

I now come to treat (as before) of some general considerations that must be steadily kept in view, in weighing the merits of the general system of law which the judicial branch of the Civil Service administers, and of the Courts in which those Judges preside. Your Lordship in Council has been made to say of the Judges of the Sudder Dewanny Adawlut, that "*they are as free as even the Judges of the Supreme Court from any imputation of personal corruption, and that they are selected by the Government from a body which abounds in men as honorable and as intelligent as ever were employed in the service of any State.*" All this praise of the Judges of

the Sudder Dewanny Adawlut I freely admit to be just; but I do not admit that the praise was at all called for, or well-timed, or gracefully bestowed by the Company's Government, or that the comparison made was either discreet, necessary, or agreeable to good taste; however it is not merely the good character of the Judges of the Sudder Dewanny Adawlut that is concerned in this matter, for if this Act should pass it will be quite as important that the Sudder Aumeens, Zillah Judges and Commissioners, should possess that degree of judicial merit. If Judges are to administer no other law than that of justice and equity according to their own good conscience, it becomes highly necessary to enquire whether we have got the best security that the conscience shall be the very best. It is an enquiry I would rather have avoided, but it is necessary to a right understanding of the effects of this law upon my countrymen, that it should be made, and no human consideration shall prevent me from giving my honest opinion on the subject. I have said that the Judges of the Civil Service are irresponsible by law; I have said they are only responsible to Government; I have said that the Government does not allow them to adhere to judicial duties, or make sufficient account of judicial deserts. I have said the Government is opposed to the settlement of Englishmen, and regard them with dislike and distrust; I have said besides that these Judges are irresponsible by situation, and might, if so minded and acute enough, defy the Government to detect or punish their misdeeds; I SAY NOW IN ADDITION TO ALL THIS THAT WHEN THE GOVERNMENT DOES DETECT THEIR MISDEEDS, IT DOES NOT ADEQUATELY PUNISH THEM.

Suppose, my Lord, that in the course of six or seven years, out of the public servants appointed by any English Ministry, two Ambassadors of the first class were more than suspected of bribery and corruption: suppose that a Post-master General was suspended for being accused or suspected of having made use of public money; suppose that seven or eight Judges or high public functionaries, were suspected of the like. Well, my Lord, then suppose in this Presidency that two Residents, one Post-master, eight Judges or high public functionaries actually performing judicial duties or liable at any time to be called upon to perform them, had been in the like predicament of suspicion. Suppose, further, that in the case of the Residents whatever was DONE (as far as the public is concerned) NOTHING TRANSPIRED; suppose that in the case of the Post-master whatever was DONE, NOTHING TRANSPIRED; suppose that in the case of each of the eight Commissioners, Judges, &c. whatever was DONE, NOTHING TRANSPIRED; do you think the English Administration which appointed such unlucky servants, would have been willing or able to keep from the public the proceedings of the enquiry into such cases, or stop short of CRIMINAL TRIAL? THEN LEAVING SUPPOSITIONS, ask what all this means, and what has happened like it HERE,

and consider whether, if I were to say that the willingness of the Civil Service to seek out and brand by public trial and exposure the delinquencies of their members was equal to their alacrity in commending their own deserts as a body, it would not have somewhat the air of a sarcasm? Does your Lordship think that dismissal from the service of the East India Company, even when it does take place (and that is most rare) is sufficient punishment for CORRUPTION in a JUDGE, or an AMBASSADOR AND ALTER EGO of the Governor-General in Council? Do you think that this habit of keeping things quiet and confining them to Government dispatches and snug whispers amongst the service, is a good basis for public confidence in the character of public servants, a full discouragement to evil doers? I might say more on this subject; to your Lordship, however, I think I have said enough; the public know more of these matters than, as yet, your Lordship can know.

Before I conclude I must draw your Lordship's attention to the case of a British subject fined by a magistrate at Monghyr, for a contempt of the said Magistrate's Court. This case has got into the newspapers; and if the facts be true, (as seems most likely) they stand thus: In December last the Magistrate sends a circular letter to a countryman residing in his district, calling upon him to state his name, country, and authority for residing in the district: for a month these questions remain unanswered; next a Persian order issues requiring the Englishman to go to the Magistrate's Court in person, or by attorney, 30 miles off: (of course to answer this question one would think): next the Englishman writes a letter to the Magistrate giving his reasons for not affording the information required of him (he might have written down the section of an act of Parliament for all answer) and stating that if after this explanation the Magistrate still deemed it necessary for him to fill up the form, HE WAS READY TO DO SO: next he is informed that he must attend in person or by attorney, and make the Magistrate a written apology in Persian on stamped paper, or abide the result: he abides the result, and is FINED 25 RUPEES, BESIDES PEONS FEES, AND IN DEFAULT OF PAYMENT IT IS ORDERED THAT HIS PROPERTY BE ATTACHED AND SOLD TO PAY THE FINE: HE PAYS IT, AND APPEALS; THE COMMISSIONER (NO BOY, SAYS A DEFENDER) CONFIRMS THE DECISION! The rest your Lordship may read in the letter. A straw thrown up shews which way the wind blows, and this may give your Lordship a notion of the fitness of Civil Servants for performance of magisterial and judicial functions, for there was an appeal as you will doubtless note: allow me a few reflections on this transaction. If this question was then lawful at Monghyr, it is now lawful in Calcutta; and might be asked of every man under the same penalty for neglect to answer: if any man has a right now under the act of Parliament to reside in Calcutta without question, this man had a right to reside in Monghyr without question: every Englishman has a right to reside either

in Calcutta or Monghyr, without question, and his authority is the Act of Parliament, by which this magistrate is magistrate, you, Governor-General: HE ANSWERED THE QUESTION although impertinent and unlawful: unlawful I say, for I know of neither Act of Parliament nor Regulation nor Legislative Act of Government that authorizes it to be asked, or prescribes a fine for contempt in refusing or neglecting to answer it: however, there was no refusal. The result is, that a magistrate and Commissioner both consider a Government circular to themselves as HAVING THE FORCE OF A PENAL LAW. A pleasant addition to the tooth-pick-case code, and an excellent ail to justice, equity, and good conscience! The residence of an Englishman in India by license of Parliament is a contempt of the Company's magistrates, for which a man may be fined, his home entered, his property distrained and sold: for which he may be injured, oppressed, insulted! I wren it will be the least thing the Government could do if complaint be made by this Englishman, and the facts proved as stated, to order the fine to be refunded and the Magistrate and Commissioner severally to make *him* an apology, in good English; but your Lordship will perceive that there are gentlemen who write in the newspapers and think that his Lordship the Magistrate did nothing but what was just and proper and essential to his own dignity and that of his Court. From what body of men does your Lordship think *can* such opinions proceed?

I have the honor to be, your Lordship's obedient humble Servant,

A LAWYER.

—  
No. I.  
—

TO THE HON. THOS. BABINGTON MACALLAY, ESQ.,  
4th Ordy. Member of the Supreme Council of  
India.

—  
"The dark shall be light,"  
"And the wrong made right."

HONORABLE SIR,—You are a law-giver: a power almost boundless was delegated to you to make laws for your countrymen in India, and for 80 millions of the native subjects of England: this power, which most men would tremble to wield, was not enough for you: you commenced your legislative career by setting at naught the authority of which you were the creature, and by usurping powers which were not granted to you. Then, you enacted that the wrong which you had done should be held to be right, you vainly sought in the first instance to indemnify yourself and ended by obtaining indemnity from Parliament, who thus while they declared you guilty of the worst of ignorance and usurpation, yet pardoned you without desert and without reason: it is fortunate for us that even the omnipotence of Parliament cannot pass for you an act of Oblivion as well as Indemnity. By these doings you early dug the grave of your

own reputation as a legislator, and raised up for yourself, while living, a monument of folly and presumption that will survive you. Keep it ever in your sight and learn from it the more than common emptiness and vanity of thoughts which exalt men too much in their own esteem.

You are a member of the English Bar, you seized the first public occasion that offered itself, to declare that *your forensic experience was but slender*; we know you too well to suppose you meant any thing by this but a compliment to yourself. When a man takes occasion to speak unnecessarily of himself, he cannot complain if those who hear him, acquiesce in the judgment he is pleased to pass upon himself, and thus we believe your own evidence that you knew little of the practice of that law you chose to profess, and it is not likely that if ignorant of the practice, you should be very deeply versed in the knowledge of the principles of the laws of England. The next remarkable thing that you did, was, to volunteer for the Law Commission; now if you were but slenderly acquainted with the practice of the law of your own country, what *could* you know of the Hindoo, the Mahomedan, the Regulation, or *substantive Mofussil law*? Men now became convinced that whatever other qualifications you might possess for a most thorny and difficult task, modesty and self-diffidence were not among the number. Do not complain if one who is but a private man, ventures to give you lessons in self-examination, which cannot be agreeable, when you recollect that you, as a public man, have presumed to prescribe laws to millions, without authority or right. I consider you chiefly responsible for the mischiefs of the Act that is about to subject Englishmen in the interior to law administered by Courts who know it not, and I think the true character of that Act will not be perfectly understood unless the tenor of your public conduct in India be also recalled to the memory of all men. I now turn to the chief subject of my letter, which will be an endeavour to make my fellow countrymen in India comprehend the object and consequences of this Act, better than you probably do yourself.

The first matter necessary to be treated of is, the actual state of the law (as it now stands and has stood since 1813) relating to British subjects in the Mofussil. I subjoin the five sections of the 53d Geo. 3d Cap. 155, which contain all that is material to my present subject:—

CV. And whereas His Majesty's British Subjects resident in the British Territories in India, without the Towns of Calcutta, Madras, and the Town and Island of Bombay, are now, by Law, subject only to the Jurisdiction of His Majesty's Courts at Calcutta, Madras, and Bombay, respectively, and are exempted from the Jurisdiction of the Courts established by the said United Company within the said Territories to which all other Persons, whether Natives or others, Inhabitants in the said Territories without the Limits of the Towns aforesaid are amenable; And whereas it is expedient to provide more effectual Redress for the Native Inhabitants of the said Territories, as well in the Case of Assault, forcible Entry, or other Injury accompanied with Force, which may be committed by British Subjects at a



Distance from the Places where His Majesty's Courts are established, as in case of Civil Controversies with such *British Subjects*; be it therefore enacted, That it shall and may be lawful for any Native of *India*, resident in the *East Indies*, or Parts aforesaid, and without the said Towns, in case of any Assault, forcible Entry, or other Injury accompanied with Force, alleged to have been done against his Person or Property by a *British Subject*, to complain of such Assault, forcible Entry, or other Injury accompanied with Force, not being Felony, to the Magistrate of the Zillah or District where the alleged Offender shall be resident, or in which such Offence shall have been committed; and that such Magistrate shall have power and Authority, at the Instance of the person so complaining, to take Cognizance of such Complaint, to hear parties, to examine witnesses, and having taken in Writing the Substance of the Complaint, Defence, and Evidence, to acquit or convict the Person accused; and, in case of Conviction to inflict upon such Person a suitable Punishment, by Fine, not exceeding Five Hundred Rupees, to be levied in case of Non-payment by Warrant under the Hand of the said Magistrate, and upon any Property of the Party so convicted, which may be found within the said District; and if no such Property shall be found within the said District, then it shall be lawful for the said Magistrate, by Warrant also under his Hand, to commit such Offender to some Place of Confinement within the said Zillah District, which in the Judgment of the said Magistrate shall be fit for receiving such Offender; or if there shall be no fit Place of Confinement, then to the Gaol of the Presidency, to remain there for a Period not exceeding Two months, unless such Fine shall be sooner paid, and it shall be lawful for the said Magistrate to award the Whole or any Portion of such Fine to the Party aggrieved, by way of Satisfaction for such Injury: Provided, always, that in all Cases of Conviction of a *British Subject*, under the Provision herein-before contained, the Magistrate before whom such Conviction shall take place shall forthwith transmit Copies of such Conviction, and of all Depositions and other Proceedings relative thereto, to the Government to which the Place wherein the Offence was committed is or shall be subordinate: Provided, also, that all such fines shall be paid in the first Instance to the Magistrate before whom the Party offending shall be convicted, and the Amount thereof after making such Satisfaction to the Party aggrieved, as aforesaid, if any, shall be transmitted by such Magistrate to the Clerk of the Crown, or other Officer to whom it belongs to receive Fines in His Majesty's Court of Oyer and Terminer and Gaol Delivery for the Province within which the Offence shall have been committed; and such Fines shall and may be disposed of in the same Manner as other Fines imposed by such Court of Oyer and Terminer and Gaol Delivery, Provided also that all such Convictions shall and may be removable by Writ of *Certiorari* into the said Courts of Oyer and Terminer and Gaol Delivery respectively: in the same Manner, and upon the same Terms and Conditions, and shall be proceeded upon in the same Manner in every respect as is directed in the said Act of the Thirty-third Year of His Majesty's Reign, with regard to other Convictions before Justices of Peace in the *British Settlements* or Territories in *India*. Provided also, that nothing herein contained shall extend, or be construed to extend to prevent such Magistrate from committing or holding to Bail any *British Subject*, charged with any such Offence before him, in the same manner as such *British Subject* might have been committed or holden to Bail if this Act had not been passed, where the Offence charged shall appear to such Magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of His Majesty's Courts to which such *British Subject* may be amenable.

**CVI.** And be it further enacted, that in all Cases of Debt not exceeding the Sum of Fifty Rupees, alleged to be due from any *British Subjects* to any Native of *India* resident in the *East Indies* or Parts aforesaid, and without the Jurisdiction of the several Courts of Requests established at *Calcutta*, *Madras*, and *Bombay*, respectively, it shall and may be lawful for the Magistrate of the Zillah or District where such *British Subject* shall be resident, or in which such Debt shall have been contracted, to take

Cognizance of all such Debts, and to examine Witnesses upon Oath, and in a summary Way to decide between the Parties, which Decision shall be final and conclusive to all Intents and Purposes; and in all Cases where any such Debt shall be found to be due from any *British Subject* to any such Native of *India*, the Amount thereof shall and may be levied in the same Manner, and subject to the same Regulations and Provisions, in respect to the Commitment of the Debtor, as are herein-before made and provided in respect to the levying of Fines in case of the Conviction of a *British Subject* before such Magistrate.

**CVII.** And be it further enacted, That all *British Subjects* of His Majesty, as well the Servants of the said United Company as others, who shall reside, or shall carry on Trade or other Business, or shall be in the Occupation or Possession of any immovable Property in any Part of the *British Territories* in *India*, at the Distance of more than Ten Miles from the several Presidencies of *Fort William*, *Fort Saint George* and *Bombay* respectively, shall be subject to the Jurisdiction of all Courts which now have or hereafter may have Cognizance of Civil Suits or Matters of Revenue either originally or by way of Appeal, within the Districts or Places where such *British Subjects* shall so reside, or carry on Trade or Business, or possess or occupy immovable Property, in all Actions and Proceedings of a Civil Nature, and in all Matters of Revenue (except as herein-after excepted), in the like Manner as Natives of *India*, and other Persons not *British Subjects*, are now liable to the Jurisdiction of such Courts by and under the Regulations of the several Governments of *Fort William*, *Fort Saint George* and *Bombay* respectively: Provided, always, that no *British Subject* shall be liable to be sued in any such Court in respect of Residence, unless he shall have his Residence within the Jurisdiction thereof at the Time of commencing the Action or Proceeding against him or that the Cause of Suit shall have arisen within the Jurisdiction of the said Court, and the Suit shall be commenced within Two Years after the Cause thereof shall have ceased to reside within such Jurisdiction; nor shall any *British Subject* be liable to be sued in any such Court in respect of his carrying on Trade or Business within the Jurisdiction thereof, unless the Cause of Suit shall have arisen within such Jurisdiction, and shall relate to the Trade or Business so carried on; nor to be sued in respect of any immovable Property possessed or occupied by him, unless such Property shall be situated within the Jurisdiction of the Court in which he shall be so sued, and such Suit shall be brought to recover the Possession or Occupation of such Property, or for Rent, or other Demand arising out of the Possession or Occupation of such Property by such *British Subject*: Provided, also, that by the Laws or Regulations in Force, or hereafter to be in Force, within the Provinces respectively subject to the Governments of *Fort William*, *Fort Saint George*, and *Bombay* aforesaid, it would be competent to a Party to any final Judgment or Decree of any subordinate Civil or Revenue Court of Judicature, to appeal therefrom to the *Sudder Dewanny Adawlut*, or other Court however denominated, exercising within those Provinces respectively the highest appellate Jurisdiction in Civil Suits, it shall be competent to *British Subjects* of His Majesty, in Suits commenced against them under the Provisions of this Act, instead of appealing to the said *Sudder Dewanny Adawlut*, or other Court so exercising the highest appellate Jurisdiction aforesaid, to appeal to the Supreme Court of Judicature at *Fort William*, or *Fort Saint George*, or the Recorder's Court at *Bombay*, according as the Suit may have been commenced in the Provinces subordinate to either of the said Presidencies; and such Court shall have the same Powers as to suspending or allowing Execution of the Judgment of Decree appealed against, and as to taking Security for Costs, or for the Performance of the Decree or Judgment of the said subordinate Courts, as the said *Sudder Dewanny Adawlut* or other such Court as aforesaid would have had, and shall also make Rules of Practice for the Conduct of the said Appeals, in all other Respects conforming in Substance and effect as nearly as possible to the Course of Procedure of the said *Sudder Dewanny Adawlut*, or other such Court as aforesaid in Cases of Appeal: Provided, also, that



nothing herein contained shall extend, or be construed to extend to take away the Jurisdiction of the said Supreme Courts of Judicature at *Fort William and Madras*, or the said Recorder's Court at *Bombay* respectively; but that all Persons having Cause of Action against any *British Subject* may, at their Election, instead of suing in such Provincial Courts as herein-before provided, commence and prosecute their said Suits in the said Supreme Courts of Judicatures and the said Recorder's Court respectively, in the same Manner as before the passing of this Act: Provided, also, that nothing herein contained shall extend or be construed to extend, to authorize the holding or occupying of any Land or other immovable Property beyond the Limits of the said several Presidencies, by any *British Subject* of His Majesty, otherwise than under and according to the Permission of the Governments of the said Presidencies.

**CVIII.** And be it further enacted, That every *British Subject* of His Majesty, not in the Service of His said Majesty, or of the said United Company, who after the Tenth Day of *April*, One Thousand Eight Hundred and Fourteen, shall go to and reside in any Part of the *British Territories in India* distant more than Ten Miles from the Presidency to which the same shall be subordinate, with the Permission of the Government of such Presidency, or who shall, after the said Day, change his Residence from one Part thereof to another, distant as aforesaid, with such Permission, shall procure from the Chief Secretary of the said Government or other Officer authorized for that purpose, a Certificate signed by the said Chief Secretary or other Officer, expressing that such *British Subject* has the Permission of such Government to reside at such Place, specifying the same and expressing also whether such Permission has been granted during the Pleasure of such Government or for any limited Time: and the said Certificate shall be deposited by such *British Subject* in the Civil Courts of the District in which he shall so go to reside within One Month after his taking up his Residence there, and shall be kept among the Records of the said Court, of which Certificate so deposited, a true Copy attested by the Judge or other Officer of such Court thereto authorized, shall be given to the Party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all Occasions whatsoever, to be good and sufficient Evidence of such Certificate, unless the contrary shall be shown: And no *British Subject* not in the Service of His Majesty, or of the said United Company, going to reside in any such Part of the *British Territories*, or changing his Residence from one Part thereof to another, after the said Day, shall be allowed, while he so resides, to have or maintain any Civil Action or Proceeding (other than in the Nature of an Appeal) against any Person whomsoever in any Court of Civil Jurisdiction within the *British Territories in India*, until he shall have filed, in the Court in which such Action or Proceeding is commenced, a Copy of such Certificate signed by the Judge of the Court wherein the same is deposited; or an Affidavit accounting to the Satisfaction of the Court for not filing the same; and if it shall be proved to the Court in which such Action is brought, that such *British Subject* is residing at any Place within the said Territories, distant more than Ten Miles from the Presidency to which it is subordinate, without such Certificate or otherwise than according to the Permission contained in such certificate, or that such permission has been revoked, or that, being for a limited Time, it has expired and has not been renewed, and that such *British Subject* is therefore residing without Permission at more than Ten Miles Distance from such Presidency, such *British Subject* shall thereupon be nonsuited.

**CIX.** And whereas Doubts have been entertained whether Persons being Natives of *India*, in the Service of the United Company of Merchants of *England*, trading to the *East Indies*, or of any of His Majesty's Subjects, are amenable to the Jurisdiction of the provincial Courts established in the *East Indies*, or whether such Persons being Natives of *India*, in the Service of the said United Company, or of His Majesty's Subjects, are not exclusively amenable to the Jurisdiction of the said Courts at *Fort William, Madras, and Bombay* respectively, and it is expedient that such Doubts should be removed; be it further enacted and declared, That all

Persons whomsoever, being Natives of *India*, who have been, now are, or hereafter may be employed, by or in the Service of His Majesty, the said United Company, or of His Majesty's Subjects, were, and are, and shall be subject and amenable to all Provincial Courts of competent Jurisdiction for all Crimes and Misdemeanors, and in all Actions and Suits whatsoever of which such Courts respectively could take Cognizance, if the Persons having committed such Crimes of Misdemeanors, or against whom the Causes of such Actions or Suits shall have arisen, had not been employed by, or had not been in the Service of His Majesty, or the said United Company, or any of His Majesty's Subjects, any Law, Usage, or Practice to the contrary thereof in any ways notwithstanding: Provided, always, that nothing herein contained shall in anywise oust the said Supreme Courts of Judicature of *Fort William and Madras* and the said Court of the Recorder of *Bombay*, respectively, of any Jurisdiction over any Natives of *India*, which such Courts may now lawfully exercise: but such Supreme Courts of Judicature of *Fort William and Madras*, and the said Court of the Recorder of *Bombay* respectively, as well as the Provincial Courts herein referred to, according to their several Jurisdictions, shall have a concurrent Jurisdiction over Natives of *India*, employed by or in the Service of the said United Company, or any of His Majesty's Subjects.

It will be observed that the preamble of the 105th Section aims only at applying a remedy to the inconvenience recited: and the enacting part of that clause gives only a jurisdiction to the provincial Courts over *British subjects* in cases of assaults and forcible injuries committed against natives: the 106th Section makes the provincial Magistrate, a Judge before whom natives may recover small debts to the amount of 50 rupees from *British subjects*; but, the 107th Section "further enacts that all *British subjects resident in, &c. shall be subject in all civil actions to the provincial Courts in like manner as natives of India were. Then subject to those Courts by the Regulations.*" These words so extensive in their import have necessarily occasioned a question among lawyers, as to the real meaning of all these Sections taken together. The opinions of most eminent lawyers here and in *England*, some of them now on the highest seats of the bench, have been divided on the subject; one opinion holding that, the preamble of the 105th Section limited the operation of the 107th Section to the remedy of the special inconvenience recited in the preamble; and that thus, (for example) one *British subject* could not sue another in the Provincial Courts; while by the contrary opinion, it was maintained that there was no such restriction, and that a *British subject* could be sued by any person for debts or trespasses which were mere civil injuries. And the argument in favor of this opinion was urged that although a preamble might restrain and make void a repugnant enactment, it could do no more; and that the 107th Section in providing that *British subjects* might be sued in all civil actions whatever in the like manner as natives, did provide both a remedy for the inconvenience recited in the preamble of the 105th Section, and for a probable inconvenience not recited, which was of the like nature as that mentioned, and that as the whole clause was at all events intended as remedial and not penal, neither legal rules of construction nor sound logic, which are really the same, could lead to the conclusion that

the intent was only to apply a partial remedy. My own opinion, though of very much less weight than all those which have been given in favor of the limited, is distinctly in favor of the wider construction. And I believe in practice that has been recently adopted, and as I also believe, without much practical inconvenience, and some benefit. But, it is remarkable that much as these clauses have been discussed by men among the first in reputation of living lawyers, not one ever dreamed of maintaining that British subjects could be subjected to suits in these Provincial Courts for any other causes than debts, contracts, and trespasses: no one ever seems to have supposed, for an instant, (and you will bear this in mind, Sir,) that they really could be sued in *like manner as natives* in such Courts, that is, (for example) in *matters relating to the inheritance to real, or, succession to personal property, wills, intestacy, marriage and divorce*. And why did not Lord C. J. Tindal, Mr. Justice Bosanquet, Sir Herbert Compton, Sergeant Spankie, Mr. Ferguson, Mr. Pearson, Mr. Turton, Mr. Minchin, and others I could name, who considered and gave opinions on this clause on various occasions, ever dream as far as I can discover, that Mofussil Courts could entertain suits relating to the marriage or divorce, the wills, the lands, or the distribution of the personal estates of Englishmen, resident in the Mofussil?—why?—I ask you again, Sir, and I answer my own question thus: BECAUSE THEY WOULD HAVE LAUGHED TO SCORN THE NOTION THAT THE ENGLISH GENTLEMEN PRESIDING IN THESE COURTS, POSSESSED OF NOT SO MUCH KNOWLEDGE OF THE ENGLISH LAW AS ORDINARY JUSTICES OF PEACE IN ENGLAND, CONDUCTING THEIR PROCEEDINGS IN THE PERSIAN LANGUAGE, ASSISTED BY NON-BUT HINDOO AND MAHOMEDAN LAW OFFICERS, AND HAVING NO OTHER CODES TO GUIDE THEM OF WHICH THEY HAVE KNOWLEDGE BUT THOSE OF MENU AND MAHOMMED, COULD HOLD OR COULD HAVE BEEN COMMANDED TO HOLD, PLEAS OF SUCH CIVIL CONTROVERSIES. They might have said Parliament never could have intended to prescribe any thing so contrary to common sense.

However this may be, here are the words of the clause as plain and positive as words can be, viz. THAT BRITISH SUBJECTS SHALL BE SUED IN THESE MOFUSSIL COURTS IN ALL ACTIONS AND PROCEEDINGS OF A CIVIL NATURE IN THE LIKE MANNER AS NATIVES OF INDIA. Here too are the words of your new Act, “and it is hereby enacted that from the said day, and within the said territories no person whatever, shall be in any civil proceedings whatever, excepted from the jurisdiction of the Courts herein after mentioned—that is to say of the Sudder Ameens, and so on to the Sudder Dewany Adawlut, which is the proper order of words, for yours is an anti-climax, and the first should be last.

Now, Sir, permit me to ask do you mean that Englishmen shall be subject to the Mofussil Courts in every Civil proceeding or do you not? If not, why have you said so? As you have said it and enacted it, you will

allow me to take it for granted that you do really mean what you say. It will be to no purpose that any defender of your legislation shall urge, that, after all, your Act is not worse, or more doubtful than the Act of Parliament. You are here to enquire into, to remedy the “*defects of our Indian Jurisprudence*” which, as you lament, you must needs be aware of; you set to work to repeal this Act of Parliament, to mend it, to make a new Act, if it be doubtful whether the 107th clause did render British subjects amenable to Mofussil Courts in all civil proceedings, you leave the matter as doubtful as before; if it be not, you follow a precedent of unexampled absurdity. However it may be, we who have to obey this law, must take it for granted that it means what it expresses, until we have the benefit of some enlightened comment from Mofussil Judicial wisdom to shew us that it means the reverse. At any rate, in this stage of the matter, if you have not heaped contradiction upon incongruity, you have worse—confounded confusion.

I verily believe that you *do* mean to render British subjects amenable to the Mofussil Courts in all cases whatever; if you do *not*, how I envy you the pleasure which a frank and candid public avowal, made through the medium of a new amendment of this draft of an Act, must needs afford you. If you *do*, how I envy you the increase of reputation which this wise and well-weighed and so-much-called-for measure of comprehensive legislative improvement, will heap around you.

Before I conclude, allow me further to ask you, why, when the 107th Section of the 53d Geo. 3d. Cap. 155, was to be repealed, the 108th Section was left untouched? Would it not have been worth while to declare that its operation was in future to be limited to the territories to which Englishmen are still prohibited from residence and resort without licence of the Government? Surely this would have made the law more clear and congruous, and have given notice to many who know not of it, that there *is* such a law; or, was it left unmentioned as a snare to the unwary interloper, by the humble servant of his vigilant, constant, (and I fear likely to prove too powerful) enemy, the corporation of the East India Company?

For the present, Sir, I take my leave of you, as this letter has already reached the utmost length convenient for newspaper publication, and as I propose in my next to treat of the SUBSTANTIVE LAW OF THE MOFUSSIL in relation to British and Indo-British subjects, and the operation on them and their estates and personal liberty in civil matters, of the Regulations generally, and of the following clauses in particular, viz. Sections 8 and 15, Regulation 4, 1793, Sections 2 and 3, Regulation 8, 1795. Section 16, Regulation 3, 1803. Sections 8 and 9, Regulation 7, 1832. The connexion of these clauses of the Regulations with the New Act, and the questions of English law which the Government in its answer

to the remonstrance of the British-born Inhabitants of Calcutta is pleased to admit may sometimes arise, will lead me into considerations so curious, instructive, and extensive, that I propose to myself great pleasure in treating of them in another letter. For the present, therefore, I subscribe myself, with all due respect, Honorable Sir, your most obedient humble Servant,

A LAWYER.

No. II.

*Dick.*—I have a suit unto your Lordship.

*Jack Cade.*—Be it a Lordship thou shalt have it for that word.

*Dick.*—Only, that the laws of England may come out of your mouth.

*Jack Cade.*—I have thought upon it, it shall be so. Away, burn all the records of the realm; my mouth shall be the Parliament of England.

HONORABLE SIR,—In the 10th paragraph of the letter of Government written in answer to the memorial of the British-born inhabitants of Calcutta, praying that the Act which is intended to repeal the 107th clause of the 53d Geo. 3d cap. 155, may not be passed, you, the Legislative Member of the Council, and a Member of the Law Commission, have been pleased to say that “*the rescinding of the 107th clause of the Chapter act of 1813, will make no change in the rights of British subjects. Its effect will be merely this, that what has hitherto been done by the Supreme Court will be done by the Court of Sudder Dewanny Adawlut. The substantive law remains the same.*” In the 12th paragraph of the same notable state paper, you are further pleased to remark, that, “*the law according to which the Sudder Dewanny Adawlut will decide appeals from the Mofussil will, as has already been said, be exactly the same law according to which the Supreme Court is now bound to decide them. In a great majority of cases the Judges of the Sudder Dewanny Adawlut will probably be better acquainted with that law than the Judges of the Supreme Court can possibly be.*” Proceed we therefore to the enquiry: WHAT IS THE SUBSTANTIVE LAW OF THE MOFUSSIL according to which, the Judges of the Sudder Dewanny Adawlut will decide the appeals of British subjects? As I am dealing with a subject which though by no means new to me, is comparatively unfamiliar, I shall advance as little in the way of mere statement of my own as possible, and, even at the risk of tediousness, give my texts, that all whom it concerns, may know as well at least as I do myself, the law, on which your wisdom makes me a commentator much against my will. The first section of that well-digested Code, which men usually call the Company's Regulations, which you call the *substantive*, and which I should call the *adjective* law of the mofussil, which has any relation to the subject is, Section 21 of Regulation 3, of 1793. I subjoin it:—

XXXI. In cases coming within the jurisdiction of the *zillah* and city courts for which no specific rule may exist, the judges are to act according to justice, equity, and good conscience.

The next is Section 15, Regulation 4, 1793—

XV. In suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mahomedan laws with respect to Mahomedans,

and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions. In the respective cases, the Mahomedan and Hindoo law officers of the court are to attend to expound the law.

The next is Section 31, Regulation 6, 1793—

XXXI. In cases for which no specific rules may exist, the Sudder Dewanny Adawlut is to act according to justice, equity and good conscience.

The next is clause 2, Section 3, Regulation 8, of 1795—

III. *Second.* In suits regarding succession, inheritance, marriage, and caste, or other religious usages, or institutions, the Mahomedan laws, with respect to Mahomedans, and the Hindoo laws, with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions. In cases in which the plaintiff shall be of a different religious persuasion from the defendant, the decision is to be regulated by the law of the religion of the latter, excepting where Europeans, or other persons, not being either Mahomedans or Hindoos, shall be defendants, in which cases the law of the plaintiff is to be made the rule of decision in all plaints, and actions of a civil nature. The Mahomedan and Hindoo law officers of the courts are to attend to expound the law of their respective persuasions, in cases in which recourse may be required to be had to it.

Here all men may note how early the legislative wisdom of the Company had become apprehensive that difficulties had arisen, and might arise, from the presence of Europeans and other persons, not being either Hindoos, or Mahomedans, in the Mofussil: and how well and comprehensively the cases were provided for. A European, who in April, 1795, made three contracts each precisely alike for the purchase of produce, or for any other matter, with a Hindoo, a Mahomedan, and an Indo-Briton or an European, not an Englishman, had the advantage of having the first suit (supposing the defendants failed in their contracts) decided by the Hindoo, the second, by the Mahomedan, the third by the *Zillah* Judge's notions of the law of justice, equity and good conscience! It will be noted that in two of his cases, he had got a law and a rule to go by. From this period the Company's Government paused and rested from the great work of legislating for Europeans and other persons until 1832, for the space of eight and thirty years, and then it marched backwards to the position of section 21, of Regulation 3, of 1792, as may be seen by sections 8 and 9, of Regulation 7, of 1832, to which I request your most particular attention and that of the public.

VIII. Such part of clause 2, Section 3, Regulation VII, 1795, enacted for the province of Benares, which declares that “in cases in which the plaintiff shall be of a different religious persuasion from the defendant, the decision is to be regulated by the law of the religion of the latter, excepting where Europeans or other persons not being either Mahomedans or Hindoos shall be defendants, in which case the law of the plaintiff is to be made the rule of decision in all plaints or actions of a civil nature,” is hereby rescinded, and the rule contained in Section 15, Regulation IV. 1793, and the corresponding enactment contained in clause 1, Section 16, Regulation III, 1803, shall be the rule of guidance in all suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions that may arise between persons professing the Hindoo and Mahomedan persuasions respectively.

IX. It is hereby declared, however, that the above rules are intended, and shall be held to apply to such

persons only as shall be *bonâ fide* professors of those religions at the time of the application of the law to the case, and were designed for the protection of the rights of such persons not for the deprivation of the rights of others. Whenever, therefore, in any civil suit, the parties to such suit may be of different persuasions, when one party shall be of the Hindoo, and the other of the Mahomedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahomedan or Hindoo persuasions, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled. In all such cases the decision shall be governed by the principles of justice, equity, and good conscience; it being clearly understood, however, that this provision shall not be considered as justifying the introduction of the English, or any foreign law, or the application to such cases of any rules not sanctioned by those principles.

BEHOLD, SIR, THE SUBSTANTIVE LAW OF THE MOFUSSIL! In its indefinable grandeur; in its antediluvian simplicity behold it! When I reflect that this law, as you are pleased to affirm in your incomparable State Paper, *has* answered extremely well, *has* sufficed for a period of time exceeding one generation of man, for all the wants of *Europeans and others*, or all the wants of that class so cherished of Government the Indo-Britons, and since 1813 for the wants of that class, so much more and peculiarly cherished in the Mofussil, their own COUNTRYMEN, with what a lofty scorn of CODIFICATION is my whole soul inspired, I laugh at laws, I laugh at statutes, I trample, in exulting imagination on the miserably idle expedients and contrivances of civilization, and I vow on the altar of corporation-legislation, which is incarnate patriarchal justice, to burn my books. I care not if a humour of digression leads me to descend a little from the lofty style, which a theme of such paucyric required. I see in my mind's eye a Zillah Judge administering justice to his fellow countrymen as St. Louis did under his oak at Vincennes, or, to draw an example from scenes and times nearer to us, in the fashion of that demi-god of Company's servants, Sir Thomas Munro, sitting under a tree in Canara haply, or in Baramahl, with the peaceful natives before and around him, dealing out paternal justice, and bethinking him where the happy cultivator perchance possessed two pair of bullocks and a cloth, whether he could not with more advantage to the respectable proprietors of East India Stock, the Court of Directors, and Sir Thomas himself, plough his land with half a cow, and share his clout with his neighbour on the principle that union is power, and yet after all be well enough off and happy if he were wise. When I reflect that a man in this country may become great, by sedulously acting on the principle that nobody but the Government ought to own land, and that a subaltern has no business with sheets or pillow, I see plainly that an antique simplicity in all men is what the maxims of the India-House aim at producing, and is what we all must come to. I take so much pleasure in these excursions that I really grieve to return to law, and am most sorry that I have not more leisure for correspondence on such matters. Return to my subject I must, however, though unwillingly.

We have tracked that branch of the stream of substantive Mofussil Law which alone relates to British subjects, from its source in the Regulation of 1793 downward to the Regulation of 1832; we will follow it to the Act Number—blank that is to be law on the 8th of May; and now, let us pause and look about us, and see whither it has brought us. Do not start, Sir, at the announcement, but I have the pleasure to inform you it has launched us fairly into the wide sea of the LAW OF ENGLAND. I think I see you turn pale, but be quite sure of it, it is in that broad ocean that you have fairly swamped the ark of Mofussil Justice. I dare say you will deny this with the pertinacity and eagerness of a man who is taken by surprise and first hears what is disagreeable to him, and who begins to perceive that he has done precisely what he did not intend to do, and what is even hateful to him. But it is so nevertheless; and I say again be sure of it. Having assured you of it, I shall now try and convince you of it, as well as I can convince any one so exceedingly against his will. Depend upon it, however that may be, that others will be convinced of it who in the end may have as much to do with this Act as you have had. I shall proceed methodically with my argument and begin at the beginning.

In the first place, then, I premise that a British subject is *not* a Mahomedan or Hindoo; you know what I mean, and I am persuaded will not contest the point, though it might be very well urged that a Mahomedan or Hindoo horn in British India *is* a British subject: you know that both propositions are legally and logically true, and know very likely from the *history of the last 60 years* what has introduced such an enviable clearness of definitions into our *Indian Jurisprudence*, we have then got this length, viz. that a British subject is *not* a Mahomedan or Hindoo in the sense and meaning of Acts of Parliament relating to India, or the Regulations of the Mofussil.

In the second place I premise that in the sense and meaning of the Mofussil Regulations, a British subject is NOT "A EUROPEAN OR OTHER PERSON." The proof is this, viz. that in 1793 when your Regulations began, and before that time, your Government had not power to make laws for British subjects directly or indirectly unless those laws were REGISTERED AND NOT REPUGNANT to the laws of England, (I beg pardon. I have been inaccurate, I should have said the Government had not the *right* and had not yet assumed the *power* to make such laws) consequently in 1793 and 1795 when this phraseology of your laws respecting *Europeans and other persons* came into use, and began to receive a known meaning and construction, (if such a thing ever happened in Mofussil Courts and Mofussil law) British subjects were always called British subjects, and were the class marked and excepted by name from all Mofussil law, except the negative and prohibitory. In the legal sense of the Regulations therefore *Europeans* meant all *Europeans other than British subjects*, and *other persons* meant any and all persons other than *Europeans and British subjects*;

and so it stands to this hour, for you know, Sir, as well as I do, that the 8th and 9th sections of Regulation 7 of 1832 never were intended or construed to apply, and do not and cannot apply to *British subjects*—that they were intended to apply to all other Europeans and foreigners, and most especially to Indo-Britons, that most ill used class, which next to their own countrymen, have been the especial objects of the disfavour and discouragement of the East India Company, and that for their sakes the English law was prohibited, was *tabooed*, alike unto a *foreign law*, nay worse. As you will begin to perceive where we are going, you will perhaps, as a last and decisive argument maintain that your new act has changed all this, and that by virtue of your delegated legislative omnipotence, you have converted *British subjects* into *Europeans and other persons*: if you intend the judges of the Mofussil to act up to that construction, you had better (to prevent mistakes) put it into the new act, we as Britons should admire the magnanimity of plain speaking, much more than the contrivances by which precedents are manufactured for quotation in Government letters, *indirectly*. (I offer thanks again for that ray of light) by gloss and commentary. I tell you, Sir, that you have not the power, (enormous as is the power that a most reckless legislation has entrusted to this Government) to ordain by any edict, however express, that **BRITISH SUBJECTS** shall in suits respecting the INHERITANCE OR RIGHT TO REAL SUCCESSION TO PERSONAL PROPERTY, MARRIAGE, LEGITIMACY OF ISSUE, THE LAW MERCHANT, LAW OF PARTNERSHIPS, OR, IN SHORT, IN ANY CIVIL PROCEEDING WHATEVER, UNLESS IT BE FOR PETTY DEBTS, FOR DE MINIMIS NON CURAT LEX, be subject to the law which shall come out of the mouth of a Sudder Aumeen, a Zillah or a Sudder Dewanny Adawlut Judge, and be by him called the LAW OF JUSTICE, EQUITY AND GOOD CONSCIENCE. I say that you CANNOT do this: I do not say that you mean to attempt it: well and wisely have you said in the 7th paragraph of the Government letter to the British-born Inhabitants of Calcutta who petitioned against this proposed new Act that “they will perceive that the question is not between one law and another, but merely between one tribunal and another; not between the law of England and the law of the Mofussil; but between the Sudder Dewanny Adawlut, and the Supreme Court, bound to act exactly as if it were the Sudder Dewanny Adawlut,” well and wisely have you said this: in every word of it, agreeing to scarce one syllable else of that letter, will every English lawyer and every Englishman agree. You would have been ashamed when you were speaking of subjecting us to Mofussil Courts in ALL CIVIL PROCEEDINGS WHATEVER to call the thing I put here a law:—

A. D. 1793, RLO. 3.

§ XXI. In cases coming within the Jurisdiction of the Zillah and City Courts for which no specific rule may exist, the Judges are to act according to justice, equity and good conscience.

Am I not right in thinking you would have been ashamed to do it?

If any man affirm that this Act does mean to give that section for all their law to British subjects, I defy him; I repel the assertion as a miserable slander of the Council of India; of you, the only ordinary member not appointed by the East India Company best acquainted with the laws of England; by the rights given me by our common law, secured to me by Magna Charta, and by statutes without number, by the coronation oath of our sovereign, by the bill of rights, by the Constitution of Parliament, by the very nature and end of our own and every free social compact, I deny it. I swear that it is impossible. But had we none of the safeguards which the sacred laws of a free country, (aye, of a country the mother and nurse of freedom,) has thrown over and around us, what security should we not enjoy from your single presence amongst us? When we reflect that you are the only ordinary member of the Council not appointed by the East India Company, the only one, except the nobleman at the head of the Government, trained to the profession of the English law, that you were an ardent reformer, one who called aloud for more freedom for the people, for more restraint on the Government, one who has urged the maxim that the voice of the people must be obeyed, and pushed arguments addressed to the fears of those possessed of power to the verge of democracy; how secure must we not feel in the safeguards which such a character and such a career afford us, how idle would it not be to fear that you were careless or despotic in the use of power, or that you have ever entertained in your fancy for one moment the vain and presumptuous dream that you *could* disfranchise a whole body of your countrymen of the whole law of England, by five lines of your pen? We smile at the bare supposition of such preposterous insolence and folly.

But, if an impossible supposition could be realized, then bethink you, Sir, what I would say. If the cause were abandoned by every Englishman in India, alone I would resist you, and without fear, doubt, or hesitation, at any and at every hazard. To Parliament would I go and say, I possess land in (what in the jargon of Anglo-Indian law is called,) the Mofussil, I possess property, though small, the result of the labour of years, am I to be made a wholesale outlaw? Am I to hazard that the validity of my marriage, the legitimacy of my child, his inheritance to my land, his succession to my moveable estate, the meaning of my last will, shall be discussed and decided by Judges, who do not even pretend to have any knowledge of the law by and under which these most important civil acts have been done and these claims arise; and who, by a clause of the regulations under which they act, are absolutely forbidden to use the English law in the case of the descendants of Englishmen born in this country, although these last have craved and would have clung to it as an inestimable boon, and

THERE IS NONE OTHER FOR THEM: BY JUDGES, WHO ARE SUPPLIED WITH NO RULE FOR THEIR GUIDANCE BUT WHAT IS CONTAINED IN THE INJUNCTION TO DECIDE ALL THINGS ACCORDING TO JUSTICE, EQUITY AND GOOD CONSCIENCE? AM I A FELON THAT I AM TO UNDERGO AN ABSOLUTE FORFEITURE OF CIVIL RIGHTS, AND BE TWICE AND FOR EVER BANISHED FROM MY COUNTRY? PROTECT ME. If not—but in such a case do not suppose that I should go alone with my prayer to be heard at the Bar of Parliament, or be left to fling myself into a contest with power unaided? Numbers there are who in this cause would act as one man, with one heart and with one soul:

IDEM TRECENTI JURAVIMUS:

If you could have fancied that any law had made you our master, by the rights our forefathers bequeathed to us, by the grace of God you should find it had not made us your servants.

But, as I said before, these are merely idle imaginings, a scarcely pardonable exercise of the fancy; what you have said is, that Sudder Aumeens and Zillah Judges shall pronounce and expound the law of England, and Judges of the Sudder Dewanny Adawlut shall rectify their errors on appeal. Thus you have said and thus will it be? SHALL IT BE VERILY AND INDEED THAT OUT OF THEIR MOUTHS SHALL COME THE LAWS OF ENGLAND? You have said, moreover, by Act No. 1 of 1834, MY MOUTH SHALL BE THE PARLIAMENT OF ENGLAND, and for this Parliament has said, we indemnify you; but it has not further said that your saying was good.

I subscribe myself with a respect, not greatly heightened by my study of the laws you have written, yet still, with all due respect, Honorable Sir, your obedient humble servant,

Hurharu.]

A LAWYER.

## RESUMPTION OF RENT-FREE TENURES.

(Continued from page 166.)

\* Tel qui rit vendredi, dimanche pleurent. —Anon.

I observe that both the *Reformer* and his first cousin of the *Hurharu* have assailed me upon the subject of my letter published on the 14th instant. Before replying to the arguments of the former, I will briefly comment upon the tone which he has adopted when noticing my remarks. In the same kind spirit, in which the *Reformer*—who is fond of assumptions—lately accused the whole body of Collectors, *en masse*, of neglecting all their other duties but those of resumption, in order to procure a percentage, which turns out to be an imaginary one, he is pleased to state his supposition that my designs in addressing you are mercenary, and would seem to intimate also, that I am indebted to the pen of PHYLAETHES for some of the observations made by me. I shall content myself with saying, that to entertain such ridiculous expectations as the *Reformer* would impute to me, would argue more “youth and inexperience” than falls even to my humble lot; and that it so happens that I have never seen the writings of PHYLAETHES; though I have heard of—and as recommended—shall take the first opportunity of perusing them. It is strange that the first point which always suggests itself to a Native’s mind, should be venality.

What I have to object to in the articles of the *Reformer*, is the too great freedom of his assertions. Instead of assuming some one

particular point alone, as his hypothesis upon which to ground his arguments, he attacks the Law, both as regards its theory and practical operation (as observed by you,) determines that the Government violated its pledges, that there is “no registry,” that it is impossible to produce sunnuds bearing date prior to 1769—at all events that “very few, if any,” can do so, that Collectors have no business to investigate the cases, that the percentage allowed is abominable, (there is none,) that a “jumma nist” is a degrading compromise; in short, with him and the *Hurharu*, it is “tout justement la cour du roi Petaud”—anglice, Dover Court—where all are speakers and none hearers. It was on this account, that I was induced to address some observations to you, which appear to have had the unhappy effect of rendering him bilious. Now, as the *Reformer* says, “to be serious”—

1st.—The principal allegation adduced by the *Reformer*, seems to be what he denominates a “pledge” made by Lord Cornwallis, in clause 1st, section II., Regulation XIX. 1793, to the following effect:

“All grants for holding land exempt from the payment of revenue made previous to the 12th August, 1765, the date of the Company’s accession to the Dewanny, by whatever authority, and whether by a writing or without a writing, shall be deemed valid, provided the grantee actually and bona fide obtained possession of the land so granted previous to the date above-mentioned, and the land shall not have been subsequently rendered subject to the payment of revenue by the Officers of Government.”

This clause which remains in force to the present day, is plain enough, and startling to any one, who, like the Editor of the *Reformer*, does not extend his enquiries further, and is contented with what, *prima facie*, establishes a case. But if it had occurred to him to read the rest of the Regulation, he would have found in the preamble (an old custom, explanatory of the object of the rulers, and the abolition of which has been productive of no good), and in clause 3 of the same section the following provisos:

1st.—“In conformity to the principles which prevailed under the Native administration, the British Government have at various times declared all grants for holding land exempt from the payment of revenue, made since the date of the Company's accession to the Dewanny, without their sanction, illegal and void. Their lenity, however, induced them to adopt as a principle, that grants of this description made previous to the date of the Dewanny, and provided the grantees had obtained possession, should be held valid to the extent of the intentions of the grantor, as ascertainable from the terms of the writings by which the grants might have been made, or from their nature and denomination.”

2d.—“But no part of the two preceding clauses is to be construed to empower the Courts to adjudge any person, *not being the original grantee*, entitled to hold, exempt from the payment of revenue, land now subject to the payment of revenue under a grant made previous to the Company's accession to the Dewanny, the writing for which may expressly specify it to have been given for the life of the grantee only: or supposing no such specification to have been made in the writing, or the writing not to be forth-coming, or no writing to have been executed, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.”

Also vide sections 4 and 5 of the same. It appears to me plain, that while up to this date lands held under a real hereditary title and duly registered as provided for by law, are in accordance with former promises, whether in the possession of the heirs of the original grantee or not, absolved for ever from assessment, that the degree of consideration to be allowed to all other tenures and the investigation as to possession, nature and the conditions of the titles, has always been, and remains at the option of the Government; that, in short, the Regulations 1793 can only be considered as *provisional*. As the Government themselves have observed to the Court of Directors in explanation of their reasons for instituting these enquiries after a long lapse of years, “very little we conceive need be said, for all the Regulations of 1793, which have been enacted since the first Regulation of 1793, have scrupulously provided that no lapse of time shall bar the right of Government to enquire; and that the transfer of property, however and by whomsoever made, shall not exempt a title to hold lands rent-free from enquiry to ascertain its validity or otherwise.” This seems to me conclusive.

2ndly.—The *Reformer* conceives that the production of original sunnuds bearing date prior to 1765 is next to impossible.—I have

been given to understand that it is not so. The proportion of cases in which documents purporting to be original are entered, is, I hear, large with reference to the supposed difficulty. Either, therefore, the hardship is not so great as asserted, or the papers are forged, in which case much commiseration need not be extended to the parties. Witnesses are, of course, out of the question, but where there are any good claims they are not wanted. This brings me to the registry. That the quinquennial registers have been neglected is true; this is mostly to be attributed to the former apathy of the Government, joined to a pressure of other matter. The *Reformer* was pleased to direct me to ascertain “whether registries exist; in what manner they have been kept; whether they could not have been subjected to interpolation and other abuses, &c. &c., before I venture to write again.” The result of my research and of enquiries in the neighbourhood convinces me, that the assertions of the *Reformer* are exaggerations, and that there are “regular books of registry,” kept under an excellent form, of which I subjoin a copy.

Number	Description of Tenure.	Name of Donor.	Name of Donee.	Name of Person in possession.	Remarks.	Date of sumuds.	Name of Mouza.	Estimated quantity of Land.	Pargana.

There are in one office alone nearly 2,000 Badshahee and about 600 Hookamee grants registered in this manner. How then is the *Reformer's* asseveration substantiated? As to “interpolations,” where there exist any, they are in favor of the occupants, and inserted through connivance with them against the State. Moreover, as it will always be found stated under the head of “remarks,” whether copies of the documents have been entered or not, no paper could be well abstracted from the Sarishta without detection. It is a curious fact, too, that those well versed upon the present subject have informed me, that cases hardly ever occur where the copies of documents declared by the defendants to have been entered in the Collectorate, have not been found extant. As the *Reformer* distinguishes the Government of this country by the endearing appellation of “rogues,” it is not at all astonishing that he should be so severe against the whole class of record-keepers. But though I admit it to be more than probable, that a record-keeper would pocket a *douceur* if tendered at the time of investigation, I would ask any one conversant with the habits of natives employed in such situations, whether it is likely that he would “strike out from the records” such informations and documents as may be attainable in cases where he does not receive one. As I said before, it appears to me that the Government is more likely to suffer than the Lakhirajdars, where the officers entrusted with the records



are corrupt. The *Reformer* himself says—"numerous instances are known in which copies of sunnuds were never filed, and yet by paying a sum to the record-keeper the copies were found in the record"—and this remark of his is substantiated by the writer of the article in the 4th number of the *Meerut Magazine*, who quotes Mr. Halhed—that gentleman observes as follows:—"that when the ceded and conquered Provinces first came into our possession, the holders of rent-free lands crowded to the revenue officers to present their documents, the greater part of which were forged or insufficient, and that the native officers and their dependants made vast acquisitions by causing them to be entered in the books." Moreover, what many of the Minhaydars would not do for themselves, the officers of Government did for them, by dint of research and perseverance. There are several registers of these lands, formed at various intervals, to be found in most offices, and that compiled by Mr. Vansittart in 1773, for the Province of Behar, (copies of which have been circulated) is invaluable, as affording corroborative evidence either to substantiate or nullify the claims of the numerous Lakhirajdars in that portion of India. The *Reformer* remarks that the Government can depend on no registry, for if they did the point of non-registry might be forthwith assumed as sufficient cause for the immediate resumption, without further investigation, of all tenures, the occupants of which have rendered themselves amenable to the penalty. Far from admitting the inference which the *Reformer* draws, I uphold that it is an additional act of tenderness on the part of the Government which prevents their doing so, and proceeds entirely from the anxiety, which is felt both by the Local Government and the Court of Directors, that every occupant may have his case separately investigated, lest in an indiscriminate resumption, some cases might be deprived of the consideration and indulgence which might otherwise have been accorded. The Regulations of 1782 and 1788 distinctly specified, that the penalty of non-registry was resumption, and in the preambles of both Regulations XIX. and XXXVII. of 1793, and in section 21 of the latter and 24 of the former registry is insisted upon. The cases of Lakhirajdars only come under the cognizance of these Regulations "(provided the grantees or persons in possession register their grants, as required in this Regulations.)"

3rdly.—The *Reformer* evidently knows nothing about the Bazee Zumeen Dufur, and in his usual loose way of talking observes, that "its business was to investigate the claims of rent-free holders; during its continuance, investigations were made, some lands resumed and others given up to the owners. The people accordingly concluded that their claims had passed the ordeal, and were satisfied that they would not again be tried." Any body unacquainted with the real facts would, from the perusal of the above, be led to imagine that there existed in the office

of Bazee Zumeen Dufur a discretionary power of resuming or releasing all rent-free tenures of whatever extent or description, and that a general investigation took place. Let us look at the real facts. The Bazee Zumeen Dufur was appointed for Bengal (and in practice chiefly confined to the districts of Midnapoor and Burdwan) by the orders of Government under date the 31st May, 1782. It was then distinctly provided, as observed by Mr. Holt Mackenzie in a memorandum of the 10th August, 1823, "that the Superintendent of the Bazee Zumeen Dufur was not in any case to decide upon the property of the land, or the validity of the titles but make his reports to the Committee by whom the decision is to be made." When, too, drafts of new Sunnuds for the release of lands were prepared, they were to be "delivered to the Committee of Revenue for approbation." Subsequently, at the express recommendation of the Committee, the Superintendent was authorized to confirm Sunnuds for lands not exceeding 200 beegahs. These powers were again circumscribed in 1787, and Mr. Young, who was in charge of the Bazee Zumeen Dufur, is stated by the Committee of Revenue, to have adhered strictly to his instructions. In like manner in 1784 the office of "Mulazha Isnad," of which Mr. Bushby was the Superintendent and Mr. Holt the Assistant, was established in the Province of Behar. The authority extended to them was similar to that entrusted to the Bazee Zumeen Dufur, and the Committee directed "that neither new Sunnuds may be granted, nor former confirmed by the Superintendent without the approbation and orders of the Committee of Revenue or of the Governor-General in Council." Both these offices were abolished in 1786. It is very easy therefore for those in Bengal and Behar who may investigate these cases, to ascertain the validity or otherwise of these "a-guzasht perwanahs;" should they concern the release of lands of an extent greater than that authorized by law, and be unaccompanied by the sanction of the Committee, they are either not genuine, or even if genuine, still invalid. Mr. Bushby was dispatched to Patna, and Messrs. Dynely and Young appointed at Calcutta, distinctly upon an "enquiry and investigation," and never possessed such powers as have been ascribed to them.

4thly.—With regard to the jumma-nisf. It is curious that the *Reformer* should find fault not only with the general regulations connected with the resumption of these tenures, but with those provisions framed through the generosity of the Government for the sole purpose of alleviating the condition of the occupants at the expense of the state. These cases are of a most singular description, and during the investigation of any number of them peculiar instances will frequently occur where a discretion may be allowed to the Judge, and be productive of the happiest effect. Nothing is more common (among those unacquainted with the practical working



of the law,) than the belief that a decree once passed for the resumption of one tenure, is tantamount to the decision of all others of the same description; that, in short, a resumption officer has only to class all the cases in his office under the respective heads of "Ayma," "Altumgha," "Muddudmash," &c., and that the fate of the first in the list is that of all the rest. The fact is, that there are very few alike. The circumstances attending the date, mode, nature and conditions of the various gifts vary materially, and while many cases are in themselves simple enough, there are others of much intricacy. "It seems to me impossible"—says Sir Charles Metcalfe—"to lay down any rule or set of rules applicable to all cases—many may contain strong claims which it would be harsh to deny; many may merit indulgence beyond the strict bounds of positive claim. But all, I conceive, ought to be decided on their separate merits, and decided, I contend, by Government alone, with reference to the various circumstances of each case, asserting its right or exercising its bounty according to its own discretion." It was with these benevolent intentions that regulation XIII. of 1825 was passed, and that its provisions were extended by section V. to lands held under Badshahce, or Royal, as well as those under Hookamee grants. The Malikis of the soil may have reason to be dissatisfied with this arrangement, but assuredly not the *Lakhirajdars*. The *Reformer* is wrong, when he says that "this nist jumma is accepted" (proffered I suppose he meant) "with a view to avoid appeal from the decisions of the Collector to the established tribunal, where" (he is pleased to say) "the defendant has a much better chance of justice than he has in the Collector's Court." The decree of resumption and the recommendation to the Government in favor of the indulgence of a jumma nist are perfectly separate. An appeal against the decision of the Collector or Deputy Collector is cognizable by the Special Commissioner appointed under Regulation III. of 1828; the recommendation goes to the Government, through the Commissioner of Revenue, whether the case is appealed or not. His argument therefore falls to the ground. What he means by asserting that "in all cases in which they are sure of success, such compromise is never sanctioned," I cannot imagine, seeing that the lands are resumed before the jumma nist is advocated. If he would imply that the defendants satisfied with these terms refrain from appeal, I can but observe that their cause must be a rotten one, for the proffer once made it stands good, whether an appeal be made or not; while, therefore, the parties cannot lose by it, they may please themselves in referring or not to the Superior Court. The jumma nist therefore tendered under the provisions of Regulation XIII. is no compromise—certainly not, in the sense in which the *Reformer* takes it.

into exultation, when he quotes in triumph, what he calls "a remarkable passage," in my former letter, and which he pronounces "self-damnatory," for which I return my salaam. In addressing my remarks to you, I distinctly state them to be cursory, and I never dreamed of inditing laudatory epistles in favor of the whole proceedings of the Government. In all candor and sincerity, therefore, I stated my opinion, to which I adhere, that the plan of remunerating native informers was not called for. But that amongst all the orders and directions of the Government, connected with this important subject, there should be one of minor importance in some degree objectionable, will not to any sensible person appear extraordinary. The order in question, passed many years ago, authorized the defrayment of a reward to informers *when applied for*. From the general good sense of the service joined to other causes, from being hardly ever acted on, it gradually became virtually extinct. Who has suffered? Certainly not the *Minhaydars*. For this we have a long farrago of nonsense, in which the Editor says that it is just against *this Regulation* that he has been arguing, and in which the Government are, to the extreme credit of the "liberty of the Press," denominated as "rogues," and dishonest "rogues" too; while with a sickly attempt at sarcasm, (vansa) he endeavours to ridicule my alleged deficiency in "tact" where none was intended. So much for the *Reformer's* age and sagacity in contradistinction to my "youth and inexperience." It was the intemperate style of the remarks made by the *Reformer*, and the exaggeration of the evils entailed upon the *Minhaydars*, which first drew my attention to this subject; and to the splenetic effusion of the 20th is to be attributed this lengthy contribution. Deeming, as I do, the whole tenor of his remarks of that date, as any thing but civil, I hesitated whether or not to resume a subject, which the *Reformer* could not discuss without acrimony. As, however, it was in your columns that I adverted to his proceedings, I am unwilling, by silence, to run the risk of being considered so ignorant upon the subject on which I wrote, as both the *Reformer* and the *Hurkaru* choose to consider me. The latter, indeed, I have been told, describes me in the most elegant language as "floored." I may be so, but I leave you to judge between us. No one, Mr. Editor, could possibly shut his eyes to the conviction, that the resumption of these tenures, whenever or however it might have taken place, must have been attended with some hardship to the owners. Still less can I, or do I wish to deny the obvious fact, that delay which has taken place has added to that hardship, the weight of disappointed expectations, though those expectations were unreasonable. But when to charges against the Government, which I conceive unsubstantiated, are added reflections and statements calculated to throw the most unmerited opprobrium upon the practical operation of the laws in question, and upon the proceedings of those concerned in their administration, it is as well to expose their

6thly.—The *Reformer* flatters himself even

inaccuracy for the sake of justice and truth.  
—AN ASSISTANT, Correspondent of the Calcutta Courier.

## NOTE.

While writing the above, the *Reformer* of the 27th was handed to me. It is difficult to collect the Editor's meaning, or to understand what points he intends to substantiate from the disjointed fragments of various Orders and Regulations quoted by him. What has the extract from the Superintendent's Report for the Lower Provinces for 1825, commenting upon the appeals from decisions under Regulations II. of 1819, and VII. of 1825, (which is "a Regulation to explain and amend the rules in force for the execution of decrees, or other judicial process by the sale of landed property, or otherwise") to do with the "practical operation of this odious law", further than to prove (if indeed the remarks of the Court allude principally to Regulation II. of 1819, and not to the other) that the parties had then, what they have now, the option of appeal and the benefit derivable from it? I have not this letter of the Court's to refer to, for the purpose of ascertaining on what subject of a general nature it is written. It appears to have been selected because the Home Authorities find fault with their Collectors, though at the same time they allow that they require to be "correctly informed," and own that they have as yet "no documents sufficient to explain the matter fully." This is construed into "an admission of the Honorable Court of Directors," and it is considered as clearly proved that Collectors are "unjust." The *Reformer* seems to say that the Collectors are made almost omnipotent by clauses 2 and 3 of section IV of Regulation III. 1828; but the truth is that separate Courts of Judicature have been established in the persons of the Special Commissioners expressly and solely for the purpose of facilitating appeals from the decisions of the Collectors and Deputy Collectors; and as the immediate assessment authorized in clause 3 might fall on individuals with some severity, the humanity of the Government induced them so far to modify it as to ordain by their instructions of the 22d February 1831 "that a period of six months should elapse, to enable parties to appeal after the Collector's or Deputy Collectors' decision" and that the occupants be maintained in possession all that period, to be extended too by the Special Commissioner, if it be thought proper. As I cannot understand the scrap of Moral Philosophy, indulged in by the *Reformer*, relative to "man being the creature of circumstances," by which he somehow proves that Collectors are worse than their neighbours, I shall prudently leave it alone.

Lastly, with regard to the Deputy Collectors. The *Reformer's* object—he says—in all that he has quoted about Mr. Law and Lord Cornwallis, is "to reprobate the union of fiscal and judicial powers in the same functionary where Government is a party to the suit." Though I am entirely of the opinion of the writer in the *Meerut Magazine*, that "as just a decree is likely to issue from the Collector's Office as from the Judge's," yet let the *Reformer* be happy and rejoice greatly. Deputy Collectors have no executive authority. The very name is in my opinion a misnomer, (if one may so speak) and they may be called Deputy Judges, if the *Reformer* likes. They have nothing to do with fiscal duties, and they do not collect a rupee—moreover Officers of this description have been gradually increased in number as the investigation into these tenures has been extended, and more, too, are to be appointed. If the *Reformer* enquires a little more diligently, he will find that many more than "one or two instances" exist, where Officers of this description have been at work for some years; and that there are now several employed, both in Bengal, Behar, and the Upper Provinces.—Calcutta Courier.

In the art of addressing the populace, it is a fact of no modern invention to commence an attack by creating in the mind of the reader or hearer a bias prejudicial to the opponent; under the protection of which feeling a man

deals his blows as if from a bush, sheltered from the darts of his antagonist. This is the mode of attack the correspondent of the *Courier*, AN ASSISTANT, has thought fit to adopt. Though it has been fully explained in the *Reformer* of the 31st January last, that our circumstances prevented us from knowing that the twenty-five per cent. commission, formerly paid to the Collectors, had been transferred to the native informers in 1828, until pointed out by the *Hurkaru*; yet AN ASSISTANT is resolved to bring forward against us that omission, "at the very head of his long letter, of course, unaccompanied by the explanation we offered on the subject. Thus having created in the minds of his readers a bias to our prejudice, he further fortifies himself by an appeal to that aristocratic feeling which is very prevalent among certain classes of Europeans, who are resolved to put down the natives as a set of unprincipled black fellows.—"It is strange that the first point which always suggests itself to a native's mind, should be venality." These are the very words of this writer, under the shelter of which and his manoeuvre about our omission, he thinks himself well sheltered against attack, and proceeds accordingly to the field of battle. He, however, forgets that homely proverb which says, "those who have glass windows should not pelt stones." Could we not, if we chose, point out thousands of instances, in which people of all countries have swerved from the path of rectitude? could we not, if we chose, make these pages a *black-book* of transgression against India, compiled from the records of the proceedings of the East India Company, the Local Government, and even the Parliament itself? Yes, we could, and show to the world that venality is not a foible peculiar to the native character. But, enough of this, let us now proceed to the other branches of the subject, which require greater consideration than AN ASSISTANT's rhapsodies on native venality.

The first point of attack against us is the breach of pledge with which he says we have charged the Local Government. At this breach, then, he takes his stand, and like another King Henry calls on his friends to defend it.

"Once more unto the breach, dear friends, once more,  
Or close the wall up with our English dead!"

Our friend has, however, mistaken the breach. We never maintained that Government had no right to institute inquiries, or that it had pledged itself not to enquire. We found fault with them only for the manner in which they conduct these enquiries. We have plainly proved on the one hand, which has not been disputed, that Government both local and in England are pledged not to unite the fiscal and the judicial—the administrative and the executive functions in the same individual; and, on the other, that the Local Government have united these functions, and given to the same officers authorities which are not sanctioned by the conditions of the pledge. Here, then, is the breach, and not in the enquiry which the Government have a right to institute.

There is another circumstance which aggravates this breach, viz. the time of making the enquiry. After having allowed the parties in possession to remain undisturbed for about seventy years, and on very many occasions confirmed their possession by the Provincial Council, the *Bazé Zumeen Difter*, and such other similar means, they now, that, owing to causes fully explained more than once in these pages, the sunnuds of dates prior to 1765 cannot be procured, call upon the rent-free holders to prove their claim by those sunnuds. If enquiries had to be made, they should have been made long ere now, when there was a greater probability of eliciting truth by living witnesses, and a variety of other means which cannot at this distance of time be available. But AN ASSISTANT says, "he has been given to understand, that original sunnuds bearing date prior to 1765, are procurable in abundance." AN ASSISTANT might have been given to understand that such is the case, and if people chose, they may believe all what an anonymous writer says, not as having seen, though by the situation in which he describes himself, we have every reason to suspect he would have seen if any existed, but only as having understood from others. This sort of lame second-hand evidence may go down smoothly enough with gulls of a certain class; but when we examine the circumstances of the case, when we look back to the accidents and designs which documents of this kind are subject to in our country, we hope to be allowed to doubt the accuracy of the information given by AN ASSISTANT. In the writings of AN ASSISTANT as well as others who have treated this subject, we have ample grounds to doubt the authenticity of documents which purport to be of a date prior to 1765. Indeed, the call for such documents made by Government, has been the cause of a thousand forgeries. Not to speak of those papers which people that have no just right to rent-free lands are in the habit of forging to prove their claim, even those who are conscious of the justice of their claim, but those papers have been destroyed by time or accident, forge new ones to supply their place, because they find they cannot prove their just title without such documents. Hence it is clear in the first place, that if any sunnuds are produced bearing date prior to 1765, very little dependance can be placed upon them; and secondly, that the measure we are reprobating, has forced people to commit the crime of forgery. This is not as it should be, and the sooner a stop is put to this practice the better.

On the subject of registry, which after all remains the only hold of the friends of this odious law, AN ASSISTANT unhesitatingly admits "that these registers have been neglected, owing to the 'apathy of the Government, joined to other matters.'" But then he informs us that having inquired in his neighbourhood, he has found that a register was kept in excellent form. This form, which he gives, is exactly that prescribed by the Regulation. Registries according to this form may have been commenced; but whether they were kept up

is the question. The admission of the writer noticed above, however, more than establishes our position that these registries cannot be depended upon. But in the instance, which came to the notice of AN ASSISTANT there were "two thousand *Badshahee* and six hundred *Hookamee* grants registered." From this it is evident that AN ASSISTANT is located in the Upper Provinces, or at least his remarks refer to them; for in Bengal to which we chiefly confine our remarks, being more conversant with its events, there are no *Badshahee* grants. Will AN ASSISTANT enquire for these registries in Bengal, and ascertain in what manner they have been kept? He will, we can assure him, be astonished at their deficiency. This is not, however, essential to the point at issue. The existence of registries is not of near so much importance as their freedom from error and interpolations. On this subject, too, AN ASSISTANT admits all we want him to admit. He says, "as to interpolations, where there exist any, they are in favor of the occupants, and inserted through connivance with them against the state." Nothing can more clearly establish our position, that these registries whether they exist have been subject to interpolations, than this admission, and all that remains to be added on this point is, that if interpolations exist in favor of occupants, there can be no certainty that they do not exist in favor of Government. The same sinister motive which led to the one might, when exerting stronger influence on the opposite side, lead to the other. The fact is, that the holders of rent-free tenures always pay more than the 25 per cent. offered by Government, and thus, as stated by AN ASSISTANT, "cases hardly ever occur where the copies of documents stated to have been entered in the collectorate, have not been found extant." This AN ASSISTANT calls "curious fact." But we certainly find nothing curious in the whole business except that a writer of such pretensions should furnish his opponents with so many excellent facts and arguments which can be turned against himself—nay, which scarcely require any trouble in being made to bear against his own position.

AN ASSISTANT also states that "no paper could be well subtracted from the *Sherista* without detection." From all that we know of these matters, we see no difficulty in the record-keepers removing one leaf and placing another in its stead to answer their purpose. True it is that instances of subtraction have not been common: but this is accounted for by the circumstance of the rent-free holders always bribing the record-keepers to a greater extent than the 25 per cent. offered to them by Government. In whatever light the question be viewed, or through whatever circuitous route we may be led by an opponent in this discussion, it is clear, we must at last come to the registry as the only proof of *Lakhraj* lands now extant, and admit that no dependance can be placed upon it. Whence the plain inference is that the possessions of rent-free holders cannot at this period be disturbed without injustice. In leaving them alone, it is

true, some who are not entitled to the privilege may escape with it: but if the spirit of our laws and morals require that the innocent should not be punished with the guilty, but that when the one cannot be distinguished from the other, both should be allowed to enjoy impunity, we can come to no other conclusion but that Government ought not, under all the circumstances of the case, to disturb the possessions of the rent-free holders. In the abstract the Government have indeed the right to investigate; but the time and manner which they have chosen for exercising the right cannot be defended on any just ground, and they ought not therefore to exercise it.

AN ASSISTANT talks of the indulgence and kindness of Government in instituting inquiries instead of resuming the lands accordingly as they may be found registered or not. We should have been disposed to allow all this in favor of Government if it could be shewn that the registries were such as to satisfy Government that there was no occasion for their confirmation to seek other proofs, that they had chosen the proper time for such enquiries—a time when the rent-free holders could produce witnesses to prove their claims, and that they had adopted a mode of investigation which was not open to objection. But in the absence of these considerations in favor of Government, we leave the impartial public to decide how far they ought to have credit for indulgence and lenity in this matter.

AN ASSISTANT is pleased to say that we know nothing about the *Baze Zumeen Duffer*. The substance of his remarks under this head seems to be that the *Baze Zumeen Duffer* had no power to confirm the exemption from revenue claimed by the land-holders without the sanction of the Committee of Revenue or of Government: whence he argues that the releases granted by this office could not lead the rent-free holders to think their claims had passed the ordeal and would not again be tried. On the 23d of November, 1773, the Provincial Council was established, and among other duties had the granting and confirming of sunnuds, provided the juma of the lands brought before its consideration did not exceed one hundred rupees. A register of its proceedings was ordered to be kept, and copy of it to be transmitted to the presidency. But these rules, it appears from the information before us, were not attended to. The *Baze Zumeen Duffer* was established on the 23d May, 1782, and under the sanction of the Revenue Committee at the presidency, was authorized to confirm sunnuds for lands paying juma not exceeding two hundred rupees; but by some error in the proceedings of the Board, instead of two hundred, two hundred and fifty was inserted, so that the latter sum became the amount fixing the limits of the *Baze Zumeen Duffer's* authority, and was accordingly adopted. Messrs. Young and Dynely were appointed Superintendents in Bengal, and their operations were confined to Bardwan and Midnapoor, two provinces which at that time comprehended a much larger extent of country

than what is at present embraced by the tracts which go by these names. This office was, however, abolished in 1793, on which occasion neither its registry book nor its seal was delivered to the authorities at the presidency. In like manner Messrs. Bushby and Hult were appointed to similar duties in Belar. They, however, greatly exceeded their lawful powers. These circumstances were brought to the notice of Government by the Revenue Committee in their letter dated 7th November, 1785. But whatever might have been the exact degree of authority vested in the *Baze Zumeen Duffer*, or the extent to which it went in practice, the case, so far as the people are concerned, remains precisely the same. The office was established by Government, and superintended by governed public functionaries. Therefore whether it had this or that power, whether it could or could not exercise certain functions without the sanction of superior authorities, was nothing to the people. All that was done by this office was considered as legal and final, and it accordingly imparted that confidence to the people to which we adverted when we spoke of this office. The people in fact, have not the means of knowing the transactions that take place between the subordinates and the higher authorities; and they cannot, therefore, be expected to enter into a consideration of the channel through which they received confirmation of their claims. They received it from the *Baze Zumeen Duffer*, and accordingly concluded that all was right. It is no argument, therefore, to say that their acts can now be considered legal only so far as they were confirmed by higher authorities. All that can be gathered from it is that Government, no less than any private individual, must be bound by the acts of their legal representatives, and that Government can now no more be justified in setting aside claims which received such confirmation than any private individual can the acts of his legal representative.

The next point taken up by AN ASSISTANT concerns the *nisf juma* on which Government in Regulation XIII. of 1825 agree to settle with the holders of rent-free lands in certain cases. On this subject AN ASSISTANT, if we understand him rightly, has two propositions, one that the motives which led to it were "benevolent," and the other that "its provisions offer no compromise"—"certainly not (says he) in the sense the *Reformer* takes it." In support of the first of these propositions, he quotes the following words of Sir C. T. Metcalfe. Speaking of the cases which come under consideration, he says; "all ought to be decided on their separate merits, and decided by Government alone, with reference to the various circumstances of such cases, asserting its right or exercising its bounty according to its own discretion." We can never bring ourselves to approve of a system which leaves the fate of litigating parties so entirely to the discretion of the Judge, that if a wicked man happened to occupy the seat of judgment, he could commit all manner of injustice with impunity. But the liability of such a system to abuse become much aggravated when we come to consider that the Judge in the cases

here alluded to is to be the Government—who is the complainant in the suit. With a Council composed of consciencious men all may go on well enough, under such circumstances, but just reverse the case, think for a moment that human nature is human nature on the throne as well as in the cottage, and then let us know, whether it would be safe to confer the office of the Judge on one of the parties to the suit, and then leave him to decide according to his discretion. In regard to the other proposition of AN ASSISTANT on this branch of the subject, we confess our inability to comprehend how according to the “sense in which we take” the Regulation XIII. of 1825 a provision is not made for compromise. The Regulation provides in the first place that the “actual occupant of the land be continued in possession on his engaging for the future assessment on such terms as may be prescribed by Government, and secondly, that in case the compromise be made it is to be “maintained by the Courts of Judicature.” The last paragraph (our readers will no doubt thank us for having come to it) contains two admissions: first that the Regulation offering a commission of 25 per cent. to native informers is an evil, and secondly, that “the delay which has taken place (in investigating the claims of rent free holders) has added to the hardship.” After a discussion continued through several columns, it is indeed comfortable to arrive at such a conclusion. We might indeed have quoted these admissions and some others we have above noticed, which comprehend almost all the points we have been discussing about, and saved ourselves and our readers the trouble of going through so lengthy an article; but as we are unwilling to leave any objection unrefuted on a question of so much importance, we have entered into the consideration of every point taken up by AN ASSISTANT, and hope we have now satisfactorily proved our position.

But there is a “Note” appended to the letter of AN ASSISTANT, and our readers must therefore have patience a little longer. The remarks in this “Note” refer to our article of the 27th March, on this subject. Among attacks on minor points, which we cannot in justice to our readers enter upon, it is maintained that collectors have not been made almost omnipotent by clauses 2 and 3 of section IV. of Regulation III. of 1828, there being separate Courts of Appeal. But these appeals are to be made on the decisions and proceedings of the collectors, and therefore it is evident that in the generality of cases the facts will be so represented as to lead the Commissioner to whom the appeal is made to the same conclusion as that arrived at by the collector. These Courts of Appeal therefore take away but little from the power of the Collectors. Besides there is a good deal of difference in the time allowed for appeal to the people and the Government, the former having but two months, and the latter so much as one year. But why commit the trial of cases in which the Government is a party to fiscal officers and special courts of appeal, and allow all other cases to be

tried by the regular Courts? Would it not have been fair to have entrusted the Government cases to the regular Courts? These remarks apply likewise to the last paragraph which AN ASSISTANT has devoted to the defence of the newly appointed deputy Collectors, who he says have nothing to do with the collection of the revenue. The collection of the revenue would not make their appointment half so objectionable as the union in them of the various offices enumerated in the *Reformer* of the 27th March, by which they are at once made the informer, complainant, judge, and executioner of the decree. Here is the point of objection against the official constitution of these functionaries. We should also wish AN ASSISTANT to point out the instances of such appointments to which he adverts. We are not aware of more than two or three in Behar and not of one in all Bengal.

Much as has been said on this prolific subject, there yet seems to be some ground for further comment. Following the example set by AN ASSISTANT in the *Courier*, we shall by way of a NOTE make a few additional observations, to illustrate what has already been said on the subject. The result of the various views in which the question has been considered, has terminated in resting the whole weight of the argument on the registers, as the only proof which now remains of the claims of the rent-free holders. The observations we wish to offer regarding these documents, will tend to prove that, owing to the neglect and omissions of the officers of Government even on them no dependence can be placed. The enquiry after rent free lands appears to have commenced in 1773 by the Provincial Council. But when the *Bazee Zumeen Duster* was established in 1782, no register of what the Provincial Council had done could be discovered. The first account that we find of these registers is in the “plan for the institution of a Bazee Zumeen Duster, approved and recorded in the proceedings of the Governor-General and Council, in the revenue department, on the 31st May, 1782.” The second paragraph of this document is as follows:—

“That such lands exist to a very considerable degree is well known; partial attempts have been made at different periods to ascertain the extent and annual amount of the Bazee Zumeen lands, but no general register has yet been formed of them, and the records of former investigations are either lost, or dispersed, or such as exist are too inaccurate to be relied upon.”

From this it is evident that Government were anxious even so early as 1773 to register the rent-free lands, but that up to the date of the above document, they could not ascertain what were really and justly the rent-free lands. Descending to later dates we find in the preambles of Regulation XIX and XXXVII of 1793, stated that “no complete register of grants had been formed on the Company’s accession to the dewany, nor subsequently to that period,” which admission brings down the uncertainty in which the registers are involved to about ten years closer to our time. In the

regulations enacted about this time, we find various injunctions laid upon the Collectors to keep a correct register of rent-free lands, and upon the rent-free holders as well as the Revenue Board to furnish all the information in their power, the former being made punishable for withholding the required information. The collectors were directed to keep "periodical registers" both in "the English and the native" departments, "and in books the leaves of which were to be paged and attested by the Judge of the Dewany Adawlut of the Zillah." Whilst the adoption of these measures proved to the people that the claims which had been admitted by the Provincial Council and the *Bazee Zumeen Duffer* would not again be questioned, the acts of the *Bazee Zumeen Duffer*, so far as their investigations went, were confirmed by Regulation XIX. of 1793; the clause XLVIII. of the above Regulation is as follows:—

XLVIII. No part of this regulation is to be considered to annul any grants for holding land exempt from the payment of revenue, made or confirmed by the late superintendents of the *Bazee Zumeen Duffer* in Bengal, in virtue of the powers vested in them.

After this no reasonable man, we are sure, will hesitate to admit that Government had given to their officers all the power they could desire, and confirmed their acts by positive

enactments. These circumstances led many to suppose that the time of trial was over, and rent-free lands were accordingly sold at very high rates. We, however, discover at this late period, even by the admission of the *Courier's* correspondent, that "the quinquennial registers," on which all depends, "have been neglected," notwithstanding the injunctions of Government to the contrary. Now who are to blame for this? Surely not the people; but the officers of Government, and to supply their want of attention to the duties entrusted to them, the Government now institute new enquiries, calling for papers which could not be found, even before the Company's accession to the Dewany, and if proofs cannot be produced, dispossessing occupants of some three or four score years!

We now close these remarks for the present, and we'll await the rejoinder of AN ASSISTANT before we again enter upon the subject. If we were permitted, we would suggest to him to treat of each branch of the subject distinctly from others, arranging his arguments under distinct heads and entirely disposing of one of them before entering on the consideration of another. The discussion could then be carried on more conveniently, and occupy less space, whilst the reader would be relieved from the trouble of going through articles of formidable length.—*Reformer*.

## NOTES ON INDIAN AFFAIRS.

No. LV.

### ON THE JAILS IN INDIA.

Having more than once alluded to this subject, and to the infamous state in which the Jails in India are, as regards the reformation of the convicts, I propose to give a short account of their construction and interior economy.

The Jails are divided into four, six, or more large wards, each calculated to contain a hundred or a hundred and fifty men: each ward has a yard to it, surrounded by an enclosed wall. There is also a ward for women; one for the civil prisoners; and a hospital. The whole is surrounded by a single or sometimes a double wall, and guarded by sentries inside and out. The large wards are appropriated to the working convicts, among whom are men sentenced to labour in irons for every period from a month or two to imprisonment for life: when sentenced to any period under five years for certain offences, they do not work in irons. It is obvious that in Jails so constructed,

it is quite impossible that any proper classification of the prisoners can ever be made. All that is attempted is to appropriate one or more wards to those imprisoned for fourteen years or more, according to their numbers; one or more to those between seven and fourteen years; while lads, sentenced only to a few days' confinement for some petty pilfering, are placed in the same ward with others sentenced to every period of imprisonment from one month up to seven years. There all herd together, encouraging one another in their crimes, discussing robberies, boasting of their escapes, and forming one of the finest schools for teaching every species of vice that could be devised. Whatever a man may be when he goes into Jail, it is a miracle if he be not a villain when he comes out of it. Such is the construction of our Jails, and classification of the prisoners. It is clear that any attempt to introduce a proper system of discipline and of

secondary punishments, so as to tend to the reformation of the prisoners, is perfectly out of the question: no such attempt is made, but all confined for all crimes, go out under guards, to work on the roads, in gangs of various strength.

For the government of each Jail, there is generally a Jailor, Deputy, and Jemadar (serjeant) with a small number of guards, in addition to those who stand sentry. It is the duty of these to examine daily the irons of the convicts, to count them as they go out and return from work, to examine the wards and iron bars of the Jail, to superintend the serving out of the allowance and the purchase of their food by the prisoners; for in India, every man has a money allowance daily, buys his food undressed, and cooks it for himself—sometimes two or more mess together, but this arrangement is according to their own pleasure. I cannot help thinking that a system of serving out dressed food might easily be introduced with great advantage. There are tribes of Brahmins who are considered of such high caste that with one or two exceptions, every caste of Hindoo will eat food which they have dressed, nor will Mahometans object, and the poorer individuals among these Brahmins will readily take service as cooks. The advantages would be that the convicts would be sure of finding a good meal ready on their return from work, whereas at present in rainy weather, they are sometimes obliged to go without, there not being in some Jails any covered place under which they can cook; besides, where every one of five hundred requires a piece of ground about five feet square for his cooking place, what a space is occupied? Much more work also would be got of the convicts, for at present they are occupied full three hours a day in preparing and eating their meals.

The officers of the Jail are paid on the same parsimonious scale with all the rest of the Government native employees: the duty is very disagreeable, and accordingly they seek to make themselves amends in the usual manner, by corruption and extortions. From every convict who can afford to pay, a certain sum is taken weekly: money is paid by others to be allowed to be idle instead of working: the friends of others, although they have an order from the Magistrate, are rarely allowed to see their relations without paying *l'adouceur*. Sometimes a man of good caste is threatened with being obliged to sleep next to a sweeper, or that the two cooking places shall be made adjoining each other. These and many other modes are resorted to; and in general the chief business of collection is managed by one or two

favorite convicts, who, as well as some of the guards, of course share in the profits. In former times, where the friends have paid high, and given some sort of security, convicts have even been allowed to go home at night, but I believe this is rarely ventured in the present day. It is said that in some jails, where the number of prisoners have been great, that the head jailor whose pay was £30 a year could make about three hundred pounds; besides what was paid to the subordinates. I believe more money was made by the Bengal jailors than by those of the Upper Provinces.

The following is their mode of working—although they leave the jail soon after day-break, i. e. before five in the morning in the long, and about six in the short days; and in gangs of various strength from eight or ten to a couple of hundred; they have on the average, a mile or a mile and a half to go to their work, yet from the dawdling way in which they proceed, they rarely reach their ground under an hour and half or longer. The only tools they have are mattocks and small baskets, which when filled with earth, are carried on the head: the only mode of repairing the roads with which they or their guards are acquainted, is to scrape them a little where they have been cut into ruts, and to fill up any hole they can find with loose earth: where none is to be procured nearer, they often bring the earth from a distance of half a mile. I have known this plan pursued at different stations for thirty years together, although abundance of excellent material for metalling the roads was to be found in every direction. At mid-day, they are allowed an hour nominally to cook their first meal; but this they never do, as it would be too much trouble to bring with them their respective cooking pots, fire-wood, and other materials; and it would take up too much time to go to the jail; so they sit down comfortably under trees, some eating the remnant of yesterday's dinner; others parched grain; and others smoking, till about two or half past, when they return to the jail for the day.

It may naturally be asked, why all this waste of labour even when they do work? and why is all this idleness allowed? There is no one to overlook their conduct or direct their labour. The Magistrate, under whose charge they are, has no time for this; besides in the whole Civil Service there are not perhaps five individuals who have the least notion how a road should be made. Again, the convicts were often out in the districts in gangs of from fifty to two hundred from ten to forty miles distant from the station, supplied with tents or sheds in which they slept at night.

But it might be said that carts and wheelbarrows would be better than the waste of labour caused by carrying the earth upon the head. Certainly; but carts and cattle cost money, both in the prime cost and to keep afterwards in repair, and Government have a great aversion to expenditure; besides, the chances are that instead of performing the public work, the carts, or many of them, would have been employed in the private service of the Magistrate and his friends. Wheelbarrows have sometimes been allowed and made; but should this ever fall under the eye of an English reader, he will be surprised to learn that there are few stations in India where a man could be found, capable of showing a native carpenter who never saw one, how to construct a wheelbarrow. I recollect an instance not long ago, where on some being required, a letter was addressed to an individual 300 miles distant, requesting him to make one for a pattern and send it down. These working convicts may be constantly found together with all their guards, except two or three who keep watch, either sitting smoking, or fast asleep nearly the whole time they are out. Sometimes an exception appeared, i. e. perhaps once in four or five years in all the Bengal Presidency, of a magistrate who understood road making; and who took some pains about it, and contrived to make the convicts work; but the general mode of employing them in "hard labour," according to their sentence, is as above described. As long as they remained under charge of the magistrate. For want of being properly superintended the guards are so extremely negligent, that it is perfectly astonishing that escapes are not daily made by the convicts.

Within the last three years, a different plan has been adopted. Superintendents and deputy superintendents have been appointed for the purpose of making a grand trunk-road through the heart of the country. The greater part of the convicts of the different jails have been taken from under charge of the magistrates and transferred to those officers. It is true that these superintendents are chiefly military men, selected entirely by interest; but they have also some engineers among them who instruct the others; and the latter having nothing else to do, gradually acquire some knowledge of the business. This new plan is infinitely better than allowing the convicts to be under the direction of the magistrates, both as to their labour and discipline. In the course of three or four years more there will be a very good road from

Benares to Delhi. But in every jail, there are still from one to two or three hundred working prisoners who are left under the charge of the magistrate. And having above described the extortion which used to be and still is in some jails practised upon the prisoners by the jail officers, I must now turn the tables, and give an account of the outrages now in several districts perpetrated by the convicts. After reading the above account, people will be apt to think that these criminals and other prisoners are poor, miserable, half-starved wretches: strange to say, it is quite the contrary: the working prisoners of the Indian jails, at least in the Upper Provinces, who have been confined for any length of time are far stouter and more healthy than the peasantry. It would be worth while to try the following experiment: select by chance a hundred convicts, only provided that no man should have been less than one year in jail—as much longer as you please. Then send to their respective villages for each man's brother or cousin, whose age came nearest to his own. Range the hundred convicts on one side and the villagers on the other, and I am convinced that as a whole, the former will be much stouter, stronger and more healthy men than the latter; and there is not a magistrate in the country, or one who has been a magistrate who will not agree in this opinion. A pretty sure proof that the convicts must be well fed, and have an easy life: indeed, it is to secure the latter that they pay the jailor and the guards so much in the way of douceurs. A poor convict who contents himself with coarse food, will not unfrequently save money out of his jail allowance and remit it to his family.\*

\* In a work lately published by Dr. Hutchinson, he estimates the deaths in the jails in the Upper Provinces at a little more than three per cent; and in Bengal proper at nine per cent. per annum. This is considered very high compared with the deaths among the Native Soldierry: but the comparison is by no means a fair or proper one. The sepoys are well fed, clothed and lodged, and notwithstanding all that is said of their being overburthened with duty, they do not work half so hard as the peasantry or laborers. They have little or nothing to harass their minds, and what is more, when a man's constitution is breaking, or if he be afflicted with a disease which is slowly causing his death: he either takes his discharge and goes home, or is sent to the invalids. On the other hand there are many among the convicts confined for life whose deaths must occur sooner or latter in the Jails. The proper comparison would be between the convicts and the general grown up male population, if we had the means of making it; and it is probable that the deaths among the latter would exceed those among the convicts. My reason for thinking the proportion of deaths great among the people at large, is the comparatively slow rate of increase of the population in a country where marriage is almost universal as soon as a man comes of age, and where the facilities for rearing children are so great. In treating of the jails of Bengal proper that at Alipore cannot be taken as affording any criterion of the rate of mortality, because it contains an immense number of convicts from the western Provinces, who are confined for life, and to whom the climate of Bengal is unpropitious.



But for the last year or two, the magistrates of some districts, having perhaps heard of the abuses above detailed, have now run wild on the other side. They seem to think that they cannot too much curtail the authority and diminish the power of the police, and of all the native subordinates in whatever department: this is one considerable cause that the police is gradually falling into a state of disorganization. The jail officers also come under the ban; and in those districts where the magistrate has adopted this mode of thinking and acting, the convicts completely rule the jail and do as they please. They still submit to be shut up at nights, though probably they will oppose this ere long. As to work, they do none; but when out in parties, amuse themselves with robbing gardens, and breaking off the branches of trees for fire wood. They also extort money from the owners of lands, by threatening to cut down a fine tree here and there, or to cut through part of a garden, which they pretend falls within the line of the road, and to do which, they declare they have the orders of the magistrate. As for the owner of the tree complaining, he finds it much better to pay the sum demanded than to travel perhaps thirty miles, to be kept in attendance a month at the Magistrate's Court, and perhaps to get no justice afterwards. The shop-keepers, who used to supply them with flour and other articles of food, are in some jails now so ill treated and ill paid that not one of them will voluntarily attend. This is remedied by an order to the police, to force them to do so in rotation.

After having amused themselves in the above mentioned manner, the convicts sleep or smoke until it is time to return to the jail. I have repeatedly seen them thus employed, and have asked the guards why they did not prevent such abuses and make the prisoners work. The reply usually is "we dare not say a word to them: if we did, a complaint would immediately be preferred to the magistrate by one or two, sworn to by half a dozen others, that we had extorted money from them; and without in reality, listening to our defence, as a matter of course, we should be discharged from our situations." Nor is this fear without foundation. Several of the officers and guards have been in this way lately deprived of their situations in different districts.

Such is now the state of many of the jails in India. Not the slightest attempt to instruct or

reform the prisoners, or even to prevent those who are confined for a short time for a first offence of a petty nature, from contamination by mixing with hardened offenders has ever been really made. This would not have brought any encrease to the Government revenue, but on the contrary have required an extra expenditure. As for the progressive demoralization of the people, no one cared. "It will last my time" was the thought of each. Government are now collecting paragraphs for the Court of Directors. The Court have written to the Bengal Government, admitting many of the evils above alluded to, and calling on them immediately to take into consideration the practicability of introducing secondary punishments and of effecting a reform in the system of jail discipline. This has been forwarded to the superior Court, to the Commissioners and other local authorities, who are desired to submit their opinions. Now, in the first place, this calling on the local authorities is an absurdity: it will produce a mass of writing, sufficient to bind up into several folio volumes containing some sensible observations and much crude matter, none of which will be read. Besides why call upon people, few perhaps of whom have ever thought on the subject, when if Government are really in earnest, there is the system of the American and some English jails ready prepared, from which to copy. But it is much to be doubted whether Government have the slightest intention to introduce any improvement in the jails: nor shall I ever give the least credit to its professions until two measures alluded to in No. 29, are adopted, viz., to go to the expense of building new, as altering the plan of the present jails; and to appoint a qualified person on a respectable salary, solely to superintend each jail. In the above number the proposition will be found more in detail. The chief end of all this paper work is to enable the Court of Directors when attacked on the subject, to exhibit their order and the mass of papers which it has produced, all well filled with fine professions of the anxiety of all concerned, from the court down to the local functionary in India to effect a reformation of the prisoners in the Jails; while the probability is that nothing whatever really calculated to effect the object will ever be attempted. The above is a true description of the Indian Jails, past and present.

A FRIEND TO INDIA.

24th July, 1835.—Hurkaru

## ON THE LOCAL ACT, No. XI. OF 1836.

## No. I.

"One of my objects is to restore, if it has been injured, that zealous attachment to the law in general, which, even in the most tempestuous times of our history, has distinguished the people of England among the nations of the world."

March 2, 1819.

Speech of Sir J. Mackintosh.

Fellow-countrymen of the English, Scottish and Irish races!—fellow Christians descended from us, or of any race, owing allegiance to the Crown, whom I look upon as my countrymen, by the communities not of blood only, but by those of sympathy and agreement in all the moral and social feelings and opinions which unite men in this life, and bind them together in the bonds of hope of the life to come!—fellow subjects of the Mahomedan and Hindoo persuasions, to all of you I address myself, for the subject on which I write is one of common and universal interest to all of you; and if any one would persuade you that it is a matter which concerns but a small number, or a particular class, struggling to retain exclusive privileges, which are invidious, or detrimental to the common weal, believe that man to be your common enemy.

The Act of the local Government which has subjected all Englishmen resident in the interior of India to the jurisdiction of the East India Company's Courts, in all civil proceedings whatever, and deprived them of their appeal to the only Court which administers or can administer, which understands or is disposed to observe and respect their national law, is an Act so plainly unnecessary now,—so odious in its ends and aims at all times,—so rashly conceived,—so despotically persisted in,—so insultingly defended, that its evident mischief has produced one great good, a strong determination on the part of every free English settler to resist the further progress of a legislation conducted by such men and conceived in such a spirit. Long knowing that the corporation of the East India Company was the enemy of all rights and all interests but its own,—long knowing that it was the peculiar and unappeasable enemy of the British settler in India,—I never hesitated for one moment respecting the real character of the last Act renewing the lease of this Government to that Company; of that Act nicknamed *the charter of Indian liberty*, by a man whose ignorance was more excusable, and whose honesty and sincerity in the declaration were less doubtful, than those of the contemptible rhetoricians, interested schemers, indolent statesmen, and temporizing politicians who were its framers and supporters. The inhabitants of Calcutta have no reason to blame themselves for neglect of duty,—none for want of clear sightedness; they saw the true character of this Act, and were not deceived by its specious claims to liberality, contained in the lifeless words of a few ineffectual clauses, sprinkled over its rottenness,

as we strew incense and perfumes in the chambers of the dead to stifle the corruption of the corpse; these sentiments contained in the petition agreed upon at the public meeting in January 1835, were spoken with a plain sincerity and force of argument, to which no public answer has been attempted; and when it was declared at that meeting that a torrent of reckless legislation had rolled over us and our institutions, leaving nothing upright, but a Colossus of despotism, the cheers of all proclaimed their full and energetic agreement in the assertion. The despotism we then saw in principle, we now see in action: let us not, however, for one moment think of yielding to it obedience,—let us resist it to the utmost of our power, and let us nourish the conviction that in this contest now begun, if we only persevere and are true to our own cause, we are sure with time and patience and courage to prevail; for the right is with us, and the spirit is not and never will be wanting which will furnish leaders and, if need be, victims,—men who will not hesitate to sacrifice their worldly interests and ambitious hopes rather than submit to the degradation which is prepared for all. For political liberty none of us, not even the class of British subjects pretended to be privileged, have ever had any adequate security here,—for civil liberty *they* have hitherto enjoyed some which is now from a large and increasing class of them, not wantonly, but with a settled design to root them out of the land, taken away. Yet legislation was not needed for this end: most unnecessary was it in this Government to fear the too great influx of Europeans, or their too rapid acquisition of land, while the state of the revenue system is such, that the Government itself is in respect to all property in land an eternal plaintiff and judge in its own cause—disfranchises and sells not the produce but the soil for rent: guarantees no purchases at its own sales even against its own officers' acts: so that the tenure of all men here holding land, may be said to be worse than that of Irish tenants who have over them a calculating steward, a grinding middleman, obsequious bailiff, thorough-going in obedience to instructions, and an absentee landlord.

Let us examine our condition more in detail; and first let us consider what is the actual condition of all British subjects of the Crown in India in respect of **POLITICAL LIBERTY**. What is the definition of political liberty? IT IS SECURITY AGAINST WRONG FROM OUR GOVERNORS. I only purpose to enter so far into the consideration of this topic as to show by a comparison of our present with our former condition, how much *worse* it has been made by this new Charter of Indian liberty, as it has been with a ridiculous blindness miscalled: none of the most common and ordinary securities enjoyed by every colony, even the penal colonies of England, to say nothing of Ceylon so

near us, were enjoyed by us, nor have they been now bestowed. The composition of the Executive and Legislative Councils remains as exclusive as ever, - their debates are secret, and if they publish their intended laws six weeks beforehand, to give notice to all India forsooth, that concession to reason and right, slight as it is, is not secure: by a provision of the last Charter Act, the Court of Directors are to prescribe the mode of promulgating the laws to be made by the new Council of India: we do not know to this hour whether any directions have been given or any rules framed under this Section of the Act, consequently we really do not know whether any law has in truth been lawfully promulgated: if the Government had received and the Court of Directors had framed any rules for the due and lawful publication of laws pursuant to the Act which gave them the authority to make laws, it would have seemed the plain and obvious policy, nay I should say the absolute duty of a delegated government, in order to put an end to doubt and prevent the possibility of misconstruction, to promulgate these rules when they promulgated their first law; as a profound silence has been observed on this head, the almost irresistible inference is, that laws have been made and rules of promulgation framed, not in accordance with the Act of Parliament, nor by the Court of Directors, but by the local Government and in accommodation to the eager lust of local legislation, which led to the Vice Presidential Regulations of 1834, and the self indemnifying and indemnity-indemnified Act No. 1, of that year. We have good evidence to convince us, that if our rulers are really capable of doubt as to their own right or authority, they are incapable of doubt as to their power, or our patience, and we can have no trust that their previous publication of law really has been enjoined to them, and has not been an authority usurped by them. If it has not, we may be deprived of its benefit by the next ship; even if it has, we may still be deprived of it—and it would indeed raise a smile on the face of the firmest believer in the good intentions of our twice delegated Government, if this were called a *securitas*. Under the former system and by the 13 Geo. 3d. c. 63, we had a rule to guide us,—such laws only as were NOT REPUGNANT to the laws of England, were to be made by Government and the only Court of English law independent of the Company had the veto, while we had sixty days previous notice of a law, and the right (I say) and, at all events by precedent the custom of being heard against these laws before the Supreme Court registered them; now the local Government can make any laws for British subjects it pleases, with this restriction, that it cannot make laws by which Englishmen may incur the penalty of DEATH, without the sanction of the Court of Directors! What a security! Look, my countrymen, at the old Acts and this new legislation, the product of modern liberality, and think how different is a modern *liberal*, even when most profuse of rhetoric in praise of

liberty, from the old English freeman, who would have disdained alike to submit to, or to exercise exorbitant power. Notwithstanding this profuse and plenary power of local legislation without controul over Englishmen, from which not life is exempted if the Court of Directors approve the law, the power of summarily transporting them without trial or cause assigned is not taken away: it is left doubtful even as to the older provinces, within which they may now settle without license and hold lands; so profitable has the Company found it to inculcate and adhere to the assertion that the uncovenanted Englishman must needs injure and insult the natives among whom he comes to settle, though planting himself, one man, among tens of thousands on whom he is unavoidably dependant for aid and safety every hour of his life. Take this passage from Sir James Mackintosh's Journal; (the only book in any way relating to India I happen to have by me where I am) speaking of the Parliamentary Committee of 1812 on Indian affairs, he says, "*Malcolm is the next witness to be examined; he is to give a strong testimony in favour of the Company's favourite argument, that a FREE TRADE will lead to an influx of Europeans, which will produce insult and oppression to the natives, and at last drive them into rebellion, which must terminate in our expulsion.*" Some sagacious compounder of phrases has said that history was prophecy reversed, how finely does this curiously sententious saying apply to the evidence of the Company's great men and witnesses of 1812, Warren Hastings, Munro, Malcolm, and many others, who trooped, (faithful dogs) howling to the Bar of Parliament denouncing the woes to come from the liberty of unlicensed buying and selling, and whose prophecy of lamentation history has reversed. Fain would I stamp as deeply on your minds as I bear in my own, the intimate and daily-strengthening conviction that this most anti-national and Machiavelian corporate-body, and almost every man in authority under it, (some honorable exceptions apart) is by the tenure of his service the covenanted enemy of every fellow countryman in India. What JUNIUS said for the sake of fostering an unjust national prejudice (rendered however at the time more excusable by the vile foreign and domestic policy and backstair corruptions of Lord Bute and the King's friends, may be fairly parodied and applied to the East India Company. In England it is a friend of every other corrupt corporation, but in India it is the enemy of every English institution, and of every Englishman, nay, of every other man, not its servant. You may measure in your minds the degree of absolute devotion, the profound prostration of the will, the perfect abnegation of all other interests its service requires, when you reflect that even the framers of the last Charter Act, and in especial the late President of the Board of Controul, and the present Fourth Ordinary Member of Council, did not content it with the services they performed and the bargain they made for it: though its stock was raised in a few days, I

believe I might say hours, nearly a full one-fifth in value by it, and every old privilege preserved to it, except the monopoly of the trade to China, a proposition which no man could have dared to carry into the House of Commons (to say nothing of carrying such a bill through it) and powers so ample given, that Parliament and the Crown in prudence were obliged to say, we do not mean to make Leaden Hall Street a potentate, entirely independent of ourselves! So difficult is it to content the East India Company, that the more timid of the liberal leaders are rumoured to have entertained a dread lest the Company should have carried its threats into execution and refused the burden of governing us, so shorn of useful power, on such ungracious and illiberal terms! They have not forgiven Lord Glenelg! They expected more from him—and relied on a more thorough-going partiality: hence their anger:

"They had been friends in youth

\* \* \* \* \*

And to be wroth with one we love

\* \* \* \* \*

Doth work like madness in the brain."

Alas! for us the traces of their former friendship will survive in the scars which the political scourge it has bequeathed to us has inflicted, and we shall still have to writhe under fresh blows of the lash if we will bear them. I suppose, all this the editorial quietists, and the anonymous assailants of the Supreme Court, will call *acrimony* and *personality*. The criticism is very safe which deals in undefined imputations of this kind, and it is a safe policy too, to stand aloof from a political controversy until the direction of the current of opinion is ascertained and then avail one's self of it; but to move men by the press to resolve or action, requires a more decisive style and a more determined earnestness and sincerity of purpose. As to the charge of *personality*, though I do not feel bound to answer every opponent and enter into endless collateral controversy, I am rather anxious to disclaim it; at least as far as I understand it. I deny then that I have gone out of my subject or his political conduct to make anonymous attacks on the 4th Ordinary Member of Council in these letters or any where: as to his peculiar responsibility to public opinion for his share in this Act, and that respecting the Customs, I retain my own, and am quite content, to leave the whole matter to public opinion, and that alone. If I take the Charter Act, or Act No. 1 of 1834, or Act No. XI. 1836, as my texts, I say and prove that No. 1 was a blunder, by unrolling to the public eye the bill of indemnity for those blunders it vainly sought to indemnify, or if I say that the Act No. XI. of 1836 was framed, defended, adhered to, passed in a despotic spirit and offensive tone and manner, that made that which was hateful in itself, doubly hateful and intolerable, this may or may not be deemed by some to be true in fact or relevant in argument, but it seems not a little absurd to call it "*personality*." If I had speculated on what Mr. Macaulay ate for dinner, or

whether he gave dinners enough to other people, or what he saved from his income, or when he meant to go home, I think men might have very well said what has all this personality to do with the argument? Now some of these very writers who so accuse me, have amused themselves by guessing at the real presence of my shadow of a name, and how much I get a year, and charged me with making blunders in a supposed real capacity, egregiously blundering themselves; and then while in the act of mixing up trash of this sort with a public question, they cry out "*personality*,"—the only answer I should make to this sad nonsense, (if I made any) would be an analysis of Mr. Macaulay's speeches on the Charter in the Mirror of Parliament, and that to the Court of Directors at dinner at the Albion Tavern, (if I could find it,) and therefrom instituting a comparison in detail of his political sayings and doings, which I have no doubt would neither be unpleasant to him nor unconstructive to the public. However, the length of this first portion of my letter to you, warns me to make an end of it presently, and I shall conclude it by saying what has been said before, that while no man or class of men has benefited by this *Indian Charter of Liberty*, the body of Englishmen resident in this country have lost the few safeguards of political liberty they had, and which, while they endured, served too in some sort, as a barrier and protection to others, against the power and encroachments of Government; we are all equals now, and stand on the same dead level of insecurity, overshadowed by our equals grown to giants, who stalk over us with a most lordly and tyrannous step. I for one, however, shall all my life long do my best to oppose them, nor will I ever resign the struggle though at times it may become apparently hopeless—*Vive le Roi, Vive la Loi, quand meme.*

Your devoted servant,

A LAWYER.

P. S.—Since this letter was written, I have read a letter signed AMICUS CURIAE, No 8. I cannot turn aside from my main argument, to answer at once all collateral matters an opponent may urge; as to the Supreme Court, both on the points of expense and delay, this writer shall have his answer, but the *facts* and *figures* he seems to think so easy to procure, will take much time to accumulate by one desirous of accuracy: conjectural arithmetic is worse than useless. Two or three things however in his letter I may now notice to disembarass the argument. 1st. As to this writer's returns: where does he get them? An anonymous or pseudonymous writer may expect attention to his arguments for what they are worth, but when he gives official statements, we expect authentication. He says, "the average course of all the suits in the Mofussil Courts under this Presidency on the 1st January 1836 was as follows: then follows the table, now if there be any ground for supposing this table accurate, it can only be from supposing the letter to proceed from a writer who

has access to official returns in the department of the Judicial Secretary, or the Secretary of the Law Commission—there *may* be such returns, there *may* be not; the public know nothing about the matter: till authenticated the statement is worthless. Besides there is a fallacy in it, the table not only includes *unappealable* causes, but takes no account of the effect of appeals in lengthening the duration of causes—this consequently for the purpose which it is given, is a suggestion of falsehood. 2dly. This writer admits “the evil of delay,” which existed *a good many years ago*, and says, it was discreditable to the *former Government, which allowed arrears to accumulate so shamefully for want of enough of Judges*;” this is admitting my assertion to be correct for past time, and time not long past either; he then gains, as he supposed, a little triumph by saying, there are *two Judges in Burdwan*, besides four principal *Sudder Aumeens*, two *Sudder Aumeens*, and twenty-eight *Moonsiffs*—now I was speaking only of *Zillah Judges*, and of the *olden time*, that is, six or seven years ago, and the necessity of an additional Judge in Burdwan only proved the accumulation of arrears—that Judge is not to the best of my belief *permanent*. I say now that I am informed it takes full three years to get a regular suit even to a hearing before a *Zillah Court*, on an average. 3dly. As to the Patna cause mentioned from information by way of illustration, if on enquiry I find I have made a blunder about it, I shall very readily confess it, and make amends for it: I hung no argument on the mention, except this inference, that a cause might last a long time in the *Mofussil Courts*. I was led to believe that the cause which he says, was so strangely confounded with the Patna cause, did not only relate to the same lands, and was a cause between the descendants of the same parties, (as he allows,) but related also to the same *points*: if the original cause was in reality finally disposed of long before the revived cause began, and if the *points* in the latter did not involve the same question as in the former, I certainly was in error: this writer is pleased to say, the delay in the appeals at home forms no part of our argument: he seems to think, however, I am responsible for it: for he says, “what nursing A Lawyer’s brethren at home may have given to it, forms no part of our argument:” we will see how this applies presently. 4thly. As to the Martin cause, the date of the suit was mentioned because it had been untruly stated that it began 14 years before: the suit which began in 1816, concerned only the *La Martiniere school*—the whole was completely finished in 1832: and the school is built—the suits which began in 1818, were decided as to all questions but the share of the *residue* in 1822, including the commissions to France and their return: the whole of the large specific legacies to relations and charities—and to legatees, were paid or appropriated *then*: and as to the *residue*, it cannot even now be divided, and the suit must be retained because the testator himself said, it should not be divided *until* it amounted to ten lacks,

and then a reserve fund should be left to accumulate to ten lacks more, and then a fresh division, and fresh reservation, and accumulation and so on *for ever*—this rendered the delay as to the other questions of little or consequence—and as to his intention of keeping the cause and his estate for ever in the Court, the Court *has decided it ought not to be so kept*: and when the residue now between 8 and 9 lacks of the 20 lacks left in Court, after payment of nearly 40 at different times here and in England, shall be divisible, there will be an end of it. 5thly. The Martin cause, “*is an infant to others*,” says this pretender to accuracy: the *Chowdry cause not yet finished*, was begun in 1811. The Chowdry causes were begun in 1813, and the decree which settled every thing, but the *account* and the partition of the lands was pronounced in 1814. There were appeals,—the partition met with every possible obstacle in the *Mofussil*—the account was never proceeded in at all by the plaintiffs for reasons of their own, and the time limited for taking it has long since elapsed, so that the cause is practically out of Court and *finished*—as to the lands, possession, years ago, was obtained by *Woomaise-chunder Paul Chowdry*; the main delays up to the decrees of partition were owing besides the ordinary difficulties—to the setting up a forged will, and the unexampled spirit of litigation of the parties; whose object it was not to speed their causes, but to harass one another: will this writer tell me what power *any Courts* have to compel litigants to follow the rules of honesty and common sense, but that of punishing them by the consequences of their own conduct? 6thly. “The Mullick cause begun *ONLY* says *AMICUS CURIAE* (who puts it in Roman capitals) in 1803, this is also unfinished.” The Mullick cause began in 1807, not 1803. The legacies above 25 lacks were paid and every thing was finished but the partition, in the year 1813, even the account was then taken of the whole personal estate up to that time: when the defendants appealed the appeal lasted 10 years: the instant the decision came back, the lands were divided and the residue of the visible and tangible property; but the account of the accumulations of personalty and the residue and of the rents and profits was to be taken, and one executor and manager having trusted another with the funds and the party trusted having lost near ten lacks and upwards in one gambling speculation, in the Company’s monopoly, salt, (wishing to be a sub-monopolist) and above seven lacks in another, opium, and a large portion of the joint funds not being forthcoming, every possible opposition was offered to taking the account, besides innumerable negotiations between the parties for amicable settlement, the result of which was that more than half the twelve years that have passed, have been passed in complete inactivity by the express desire of the complainants themselves. The report has been made and the case would have been finally decreed in last March, but the parties defendants appealed against the Master’s report and partially succeeded in

their appeal: and besides the Court not being prepared without further enquiry to acquiesce in the opinion of the Master that joint Hindoo managers under a testamentary paper are not entitled to a commission of 5 per cent. claimed and allowed to some Executors in this country, have sent it back for farther information, which has rendered communication with the other presidencies and much search necessary. So much I have thought it fit to say of these cases of alleged delay, and I am afraid I have made my P. S. almost as long as my letter: it could not however be helped. AMRUS CURIE says that the provinces of British India JURE RETINENTUR i. e. by Mofussil law: I suppose the 250,000 men in arms to support the law, have nothing to do with the matter! but it may be so. I never said or thought the Mofussil law was worse than the old Mahomedan rule, at any time: and when the time comes I shall notice a false assertion of his that I have blamed and *abused* the Civil Service at large, and the Zillah Judges in particular for the defects of the Courts; he says there were defects and delays *formerly* and blames the Government, so did I, and so far we are agreed. I say we have the same Government and the same security or insecurity we had then. He says MURDER was committed by the JUDGES, in the case of Nundoomar, FOR THE LURE OF GAIN: Burke said that WARREN HASTINGS, MURDERED HIM BY THE HANDS OF SIR ELIJAH IMPEY. Was Warren Hastings a Judge then, or which is worse, the hand that executes or the head that contrives? I leave this official defender of this Government to settle it: however no *murder* there was, though deep blame was attributable to both, and to him the most, that prosecuted guilt for political ends after having long known and overlooked that guilt.

## No. II.

In my last letter on the subject of this Act, I endeavoured to give an answer to the question, of what is the condition of the British settler in India in respect to political liberty, which means security from wrong committed by our Governors, I shewed that it had been rendered *worse*, while no man had benefited, and that in truth we had now no security at all. It may be answered, however, that since the year 1834, the Regulations restrictive of the freedom of the press have been repealed, and that is a benefit to all: this I admit, and no man can be more ready to honor the policy (from whatever motive it proceeded) which dictated this wise and excellent measure than I am and shall always be. As I have mentioned "*motives*" I ought to add that I deem it but due to Sir Charles Metcalfe and the Council to assume in the absence of all proof to the contrary, that the motives were as pure, manly and high minded, as the Act itself was liberal and wise. It is not sufficient to criticise too closely minutes, which may have been written to make an impression on others and on a principle of honest advocacy: if the

tone of the late Governor-General's minutes on this question be not altogether so exalted, so worthy of the subject, and so full of a comprehensive philosophy rejecting all arguments of a merely temporary expediency, as men jealous of his fame might wish, still to have done this Act ought to be an answer to all cavil on the subject in our mouths, and to have earned him a more frank and universal tribute of applause than he has obtained. There are causes, however, which diminish the present value of the press in India, causes which perhaps with the increase of British and Christian inhabitants, and of the numbers of natives educated in the knowledge of the English language and of English laws and institutions, may gradually disappear. The periodical press, except in very rare cases, (perhaps without exception,) may be said to be essentially ministrant to the public: it creates nothing, it simply gives expression to the preponderant opinions of the public. This necessarily is the case because the periodical press (of which alone I speak) exists only by profit and with a view to profit. Now in this country, the influence of the Government over the press, is out of all proportion greater than it could be in any free country. In the first place the number of readers is very small, and the Government is a most excellent customer, altogether the best customer: in the next place the civil service, in point of wealth, influence and numbers, makes it take rank among the very best customers, and it is not too much to presume that praise of the policy of the Government towards its subjects, is agreeable to the majority of that service, and of course abstinence from blame of the conduct or general constitution of that service is also with the majority, a necessary condition of their support to a newspaper. In the last place, the body of military men, though much more free in speculative opinion and less disposed to impose upon a newspaper the necessity of supporting the general measures of the civil Government, is not, and cannot be expected to be very deeply anxious about questions concerning merely the civil rights of the governed; and is therefore neutral at the least, in all controversies between the governors and the governed: as long as there is a press sufficiently independent to advocate and defend the rights of each service when attacked by the measures of Government itself, that is the sum of what, as bodies, both these services wish for or care about. The result of all is, that whatever may be the case (as now) when the rights of a large class are needlessly assailed, the permanent tendency of the press is and must be, rather to advocate the measures of the Government, and it must be a haughty and supercilious carriage, and the exercise of despotic power for very unpopular ends, which drives it into opposition. This leads in ordinary times to a compromising style of writing and argument, in which the blame of one day is compensated by the praise of the next, and without question leads my mind to the conclusion that while the present paucity of unbiassed readers lasts, the influence of

Government and its civil servants will be too strong to afford security that the influence of the press will always be sufficiently exercised in favour of political liberty, or security against wrong from our governors. Besides, when we are speaking of *security*, we must not forget that we have no *security* that what one Government and one Council has done, another may not undo. Supposing a war, or an insurrection were to happen under a timid or irritable executive Government, *the very comprehensiveness of the measure, and its extension to the native press, would endanger the existence of its freedom*, and if a measure of this kind were determined on by the local government on such pretexts, I am not one of those, who believe that a Whig, or Radico-Whig Government, would afford us more redress on appeal, than if Lord Ellenborough were President of the Board of Control or the Duke of Wellington Prime Minister. Thus it is that the emancipation of the press by an Act of the Council here, can only be looked upon as a temporary and possibly evanescent benefit. where the mass of the people (as here) know nothing of the laws till made, but by sufferance, can scarce obtain a hearing at home, against an obnoxious organic law unless to help a party motion, where the huge mass neither know nor care a farthing about political rights of which they never heard, or were deprived, because they never enjoyed them, there is no such thing as security for free speaking or writing, and as it cannot be said that there is any security for the liberty of unlicensed writing or printing, in a legal sense there is none beyond the intelligence, moral force and strength of character of individuals which may render it unsafe to oppress them. Even the power of transmission is not taken away, and in more dangerous and turbulent times on slight pretexts it might be exercised, and whatever be the end of such an Act to the Governors who did it, the man against whom it was exercised would almost certainly be ruined by it. Besides how can security for the press co-exist with a power of local legislation to frame any law of libel permanent or temporary? It cannot be said that the liberation of the press is any thing but a casual and possibly temporary benefit, not attributable in any wise to the last Charter Act, but owing to the accession to supreme power of one man, who was in this respect a most "fortunate accident." Before I dismiss altogether the consideration of the question of what is the actual condition of the British settler in India in respect to political liberty, I may notice one advantage he still possesses throughout India over every other individual of his fellow subjects of the Crown, which is that if he were illegally imprisoned for an alleged political offence he could undoubtedly sue out his *Habeas Corpus* in the Supreme Court. I mean at present, how long this Government may chuse to leave this right undisturbed, I cannot foresee, but I cannot believe they are desirous it should continue, and they have the same power to pass an Act abolishing it that they had to pass Act No. XL of 1836, or the Act that they

will pass relating to the Customs, though I do not admit that legally they had the right or power to pass either, and generally agree with the argument of a "WHIG OBSERVER" published in the *Englishman* on one of these points.

Now such being the condition of the British settler in India in respect to security against wrong from his Governors, the next consideration is what is the actual chance of wrong from those Governors against which it is desirable to be secured? what is the temper in which the East India Company and their servants regard the British settlers in India and especially in the Mofussil? what is likely to be their real and permanent policy in regard to this class? are they disposed to regard their settlement with fear, with jealousy and distrust? If so, do they possess the means of *indirectly* discouraging it to any extent? Are they likely to use those means? I suppose there are few men who will dispute that the East India Company in general, their Directors in particular, having settled their bargain for their own stock with England, and saddled India with the whole debt, will be *anxious* to keep the power and patronage they have got, as long as they can: few men either, I suppose, will dispute that, if a large influx of European capital and settlers into India were to take place in the course of the next twenty years, they would wish the power and patronage of the Court of Directors to be curtailed, and struggle for a share of both for the people, and that their political wish and tendency would be to take out of the hands of the Company the powers of Government and lodge them under due restrictions in Parliament and the Crown; more especially will that be their wish, if, as all things shew, the Reform of abuses in England, and the removal of all permanent obstructions to good government shall make the Government of England itself more trustworthy. This effect the Directors have foreseen, whether they have rightly viewed the matter, is really of no consequence, for even if these probable tendencies of English settlers were mistaken, it would be sufficient that they thought so to make the policy of the Court of Directors hostile to the settlement of Englishmen. The *pretext* the Directors have used is, that it will give rise to *insult and oppression to the natives*, this it may be remarked by those who have read my last letter, or ever referred to the minutes of evidence and parliamentary Reports on India affairs was their war-cry in 1812 against FREE TRADE: the same pretext was turned to account in 1830, 1831, 1832.—and may be discovered embodied in the last Charter Act itself in the 85th section, in which all the new legislation is to have an especial purview to protect the natives against their English fellow countrymen. I quote the words here—let all men note them well:

LXXXV. And whereas the removal of restrictions on the Intercourse of *Europeans* with the said Territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, be it therefore enacted, that the said Governor-General in Council shall, and he is hereby required, by laws or regulations, to provide

with all convenient Speed for the Protection of the Natives of the said Territories from Insult and Outrage in their Persons, Religions, or Opinions.

Now when this grave accusation was publicly advanced for 20 years together against a whole body of men, and finally made the basis of a new legislation, was any means worthy of the name of investigation taken to ascertain the truth of so heavy a calumny, so plainly implied? Surely it would not have been unworthy of the wisdom and caution, and more befitting the justice of Parliament to have sent out a commission to the spot, not appointed by the India House, to examine and hear all sides and let the accused *be heard in their own defence before they were condemned*, but this it seems, would have been too much trouble and expense: and so every thing was taken for granted that was injurious or insulting to the character of Englishmen in India, and *almost the only instruction for the new Code* was based on these vile assumptions; in the same manner as the character of the whole body of English residents was thus attacked, was the character of the only tribunal of Justice not dependant on the Court of Directors and the Executive Government, attacked: no art was neglected, no ignorance disdained when its unscrupulousness could be made subservient and useful. When Captain Turner Macan comes forward to speak of the evils of the Supreme Court, the Bengal army which has appreciated the value of his evidence on the questions relating to its own organization, discipline, temper and interior economy, will scarcely be surprised, but the public will be most likely surprised and amused too, to find evidence on such a subject from such a quarter. In fact the whole getting up of this *INDIAN CHARTER OF LIBERTY* resembles as far as one can judge of it at a distance, more a conspiracy than an Act of Legislation: the liberal party and the Merchants of London and the out ports seem to have cared about nothing but the abolition of the monopoly of the Tea Trade the ministers seemed to have wished (that point gained) to disembarass themselves at any cost to India of the question and the Company which might have been a formidable enemy, and if Lord Glenelg, really did care about any thing but making Bishops, (putting a few barren assertions of liberal principles into the Act, seemingly to serve as clap-traps,) it is no where apparent. The rest of the field, (Mr. Crawford being very careful about the trade part of the question, and doing, as far as I know, nothing else of any great use) being left clear to the Company, who got up their case as far as may be judged, pretty much as an unscrupulous attorney does, who has not a very scrupulous client. The real views and policy of the East India Company respecting British settlers cannot be doubtful to any one who carefully reads all that they have written and done on this subject down to the present hour, and it is by no means too strong an inference or an oratorical exaggeration to say, they regard every Englishman here as an enemy. They have *predicted* that their countryman could not be allowed to settle in

India without endangering the existence of the British power, that is of their own power: this in other words was to predict (as all legislative and executive power is reserved to them and increased even by their last charter, truly a charter to *them*.) that the settlement of Englishmen in numbers should not take place, nor the settlement of those already here, prosperously endure, for *THEY POSSESS THE POWER TO REALIZE THEIR OWN PROPHECY*, and depend on it my fellow countrymen that no men ever possessed such power without using and abusing it. It is not, without doubt, in the public despatches or general letters of the Court that we need look for the outward manifestations of this wish and this power, but *esoterically* and in secret, there will be lectures enough read to the aspirants for distinction in their service, to make *them* comprehend what is the view the India House takes of this question and of the free settlement of Europeans.

The next question to be considered is how far the influence of the King's Government is likely to be effectually exercised for the maintenance and protection of the rights and interest of the British settlers. It cannot be doubted I think that the influence of the King's Government under any ministers, would to a certain extent be used in favour of an individual British settler who might suffer by a direct and *illegal* exertion of power on the part of the local Government, but its effect to counteract the steady working of a hostile policy, not attaining its ends openly but by covert and insidious methods, must needs be so slight as not to be worth consideration, and for these two great reasons, (among many others) first because the Government at home is inferior in local knowledge and the ability it can command possessed of that knowledge, to the India House; secondly, because if matters came to a very wide difference of opinion and any thing like an open breach between the Board of Control and Directors, the rest of the Ministry would dislike to have their measures embarrassed by the parliamentary hostility of the Company on a difficult and debateable question, and not be thankful to a President of the Board of Control who pushed disputes very far: besides, any *general* law of an illiberal character, would not want specious and able defenders in England, and the patience of even a reformed Parliament on Indian questions is about equal to its knowledge: the more necessity therefore there is for us to unite here, to sacrifice small difference of opinions, to merge all distinctions of classes, and to labour for one common object to obtain better security for ourselves against wrongs from our Governors than our *CHARTER* has bestowed upon us. The subject of my next letter will be to discuss the question, what security we have for "*CIVIL LIBERTY*," which means security for wrongs committed by citizens against each other.

Your devoted Servant,

Hurharu.

A LAWYER.



## RESUMPTION OF RENT-FREE TENURES.

(Continued from page 227.)

So much has been said of late on this subject that we had really no desire to trouble our readers with it unless forced to it by another rejoinder from AN ASSISTANT in the *Courier* with whom we have entered the lists. He has not as yet returned to the charge, but in the mean time we find an ably written article in the *Meerut Magazine* which so clearly explains the question at issue and so firmly establishes our position that we could not resist the temptation of transferring it to our pages.

Among other passages the following on the important subject of the registry of rent-free lands will show how facts, even in the Upper Provinces, do bear us out in the position we have taken up, which being well known to our readers need not here be detailed:—

“On the expiration of the year allowed by Regulation VII, of 1806, the Board of Revenue in the Western Provinces, (there designated Board of Commissioners,) issued a circular order to the Collectors, to attach and assess all unregistered Mafee holdings—the date of the order was 27th February 1810. The receipt of this order produced a reply from every Collector in these Provinces, stating that no register had been made, for want of a form in which to draw it up. It is now a matter of great difficulty to trace what was actually done. None but the Collectors of each particular district could do this, and the task would be one of some labour even to them; but it may be safely affirmed, that in no one district were the provisions of the regulations carried into effect and due registry made by the revenue authorities, of the tenures and deeds which were presented to them.”

This clearly proves that the collectors in the upper provinces were no less careless in the keeping of this registry, than we have shown those in the lower Provinces to have been. A little farther on we have the following passage establishing our view of the case almost in our very words:—

“Since that period, some Mafeedars have presented sunnuds which bore the signature of Mr. Russell, and others have presented perwaannahs signed by him, of which no traces can be found in the office, and I find that the records of the year 1211 F.s. are by no means complete; many of the papers having been lost in the transfer of records to and from Coel and Furruckbad.”

In another passage, following the above, it is stated that “a vast number of poor people who have literally their subsistence depending on the produce of a few bigahs; and who very probably never heard of the proclamation by which they were required to register their lands, are now subjected to the greatest distress by this indiscriminate resumption.”

In fact the whole of the article is one series of illustrations of the doctrine we have advocated, and therefore instead of making any further quotations here, we recommend our readers to peruse it through, and we are sure, if they yet have any doubt as to the facts on which we have based our argument, they will see in this article sufficient reason to lay it aside.—*Reformer.*

[By way of keeping attention alive to the interesting subject of resumption, we give insertion to the following remarks on Registration, from the pen of a very intelligent correspondent, who has been allowed the privilege of retaining the editorial we.]

It has been remarked, that the Indian Government is ever in extremes, and an exemplification of this is before us, in the measures now pursued, with regard to the rent-free tenures, contrasted with former practice.

Regulations XXXI and XXXVI of 1803, prescribed, the first for portions of rent-free land not amounting to an entire village or estate, and which were therefore presumed to have been bestowed by Aumils or inferior officers, and the latter for whole estates, which were supposed to have been granted by royal authority; or by those who held independent possession of tracts of country; that by a certain period after the promulgation of those regulations, all Mafee tenures or rent-free holdings, should be notified to the Collectors and duly registered. The registrations to be prepared by the Collector, and was to contain—

1. The denomination of the grant.
2. The name of the grantor.
3. Name of original grantee.
4. Name of the then possessor, relationship to original grantee, and mode by which he succeeded to the possession by heritage, or purchase.
5. Date of the deed of grant, or if the grant were not in writing, that on which it was made.
6. The name or names of villages comprised in the grant or holding, or in which the land might be situated.
7. The measurement of each village, or land, included in the grant.
8. The Pergunnah or pergunnahs in which the lands were situated.
9. A copy of the original grant, or other writings under which the land was held.

For the non-registry of Mafee tenures, the following penalties were enacted: For the non-registry of a tenure, immediate resumption without further enquiry after the expiration of the term prescribed for registry, by Secs. 21 and 22 of the said Regulations, and for the omission to register the deeds which conferred the grant, those deeds were declared by clause 2nd sec. 28 of Regulation II, of 1819, not receivable “unless due and sufficient cause were shown for non-registry.”

The publication of the proclamations directed to be issued under these regulations, was made, if at all, in very few instances, and a

further period of a year was granted by Regulation XII. of 1808, in which tenures and deeds should be registered by the holders, and in which the Collectors should form registers and record the required particulars. This register book was to be made by the Collectors (section 24, of the Regulations quoted) and to be signed on each page by the Judge of the zillah, &c. &c.

On the expiration of the year allowed by Regulation VII. of 1803, the Board of Revenue in the Western Provinces, (there designated Board of Commissioners,) issued a circular order to the Collectors, to attach and assess all unregistered Mafee holdings—the date of the order was 27th February, 1810. The receipt of this order produced a reply from every Collector in these provinces, stating that no register had been made, for want of a form in which to draw it up. It is now a matter of great difficulty to trace what was actually done. None but the Collectors of each particular district could do this, and the task would be one of some labour even to them; but it may be safely affirmed, that in no one district were the provisions of the regulations carried into effect and due registry made by the revenue authorities, of the tenures and deeds which were presented to them.

The Collector of Allighur, on the 3rd May, 1810, stated that he had, in order to carry the orders of the Board into effect, drawn up two lists, the first “ of lands which had been registered (*in each pergunnah*) in consequence of the proclamations issued for this purpose, and conceiving that it was the intention of the Board to shew every degree of unity to the Mafeedars, I directed the Mootsuddies in the office to search the records and prepare a separate list of such lands as had been the subject of investigation in any mode, by the former Collectors, and having prepared this second list, I transmitted it also to Tehsildars, with orders not to interfere with the lands therein detailed.

“ Since that period some Mafeedars have presented sunnuds which bear the signature of Mr. Russell, and others have presented perwannahs signed by him, of which no traces can be found in the office, and I find that the records of the year 1211 Fs. are by no means complete; many of the papers having been lost in the transfer of records to and from Coel and from Furruckabad.

“ In addition to the lands circumstanced as above stated, there are a vast number of poor people who have literally their subsistence depending on the produce of a few beegahs; and who, either considering the quantity so small as not likely to attract notice, or very probably never having heard of the proclamation by which they were required to register their sunnuds, are now subjected to the greatest distress by this indiscriminate resumption.”

From the above it appears clear, that the Collector construed that the enactment prescribing registry was fulfilled, when the tenure had

been notified to the purganah officers, (Tehsildars or Cannongoes) or had been brought to the notice of the Collector, as shewn by his signature on a sunnud (deed of grant) or by his perwannah, and this construction the Board of Commissioners, in their reply of the 11th May, 1808, fully sanctioned. “ As the parties themselves cannot be held answerable for any official neglect or omission on the part of the officers of Government, the Board desire, that all such persons as may produce any documents attested by either of the late Collectors, in evidence of the production of grants, may be considered to have complied with the requisition of registering their deeds, although no such attestation can be found in the Collector's office.

“ The Board are of opinion, that under the letter and spirit of reservation, contained in clause 7, section 2, of Regulation XXXI, of 1803, in favour of religious and charitable donations not exceeding 10 beegahs, all such lands, are exempted from resumption for default of registry, as well as for defect of original title, and the Board accordingly desire, that all such portions of land may be immediately relinquished. ”

“ As there appear, however, from petitions presented to the Board, to be numerous potty rent-free possessions, which although exceeding 10 beegahs, may be considered from the description of the grantees to have been bestowed for religious or charitable purposes, and the indiscriminate resumption of which would be productive of much personal distress, and as the pleas set up in excuse of the omission appear to be the same in the several classes of grantees, absence on pilgrimage, on the part of the religious persons; age and infirmity on the part of some; sex and ignorance on the part of others, the Board desire previous to a reference of their pleas for the consideration of Government, that you will furnish them from the reports of your Tehsildars, with a statements of all portions of land exceeding 10 beegahs, and being less than an entire village, which may have been attached for want of registry.”

“ You will also be pleased to submit a separate statement of all entire villages which may have been similarly attached.”

In reply to the orders to attach and assess the unregistered lands, the Collector of Etawa, on the 23d March, 1810, reported—"No form for the periodical or any register of rent-free land has been received at this office.

"It appears, that the further period for registering deeds prescribed by Regulation VII. of 1808, has not been publicly notified in this district, as required by the 2d section of that regulation, and the documents of his nature now in the office, are so voluminous and so jumbled together, that it will be a work of time to arrange and form a register of them. I am informed, that during the statement of the district, and previous thereto, the whole of the Amlah were so fully employed, that many persons, who came with documents to be registered, were obliged to return without being able to effect their object; others got acknowledgments from the Collector for the papers they threw into the office, of which there is no other record than a word unauthenticated, by way of memorandum, on the back of the papers deposited; and many papers have been received, for which no receipts have been given.

"Under those circumstances, I cannot proceed to the immediate resumption of any lands, and as the present Amlah are barely sufficient in number for the current business of the office, I solicit the sanction of the Board to entertain temporarily two Mootsuddies, for the express purpose of arranging and reducing these documents regularly; for until some knowledge of them is obtained, there is no mode of discriminating between those lands which I am required to resume, and those I am not permitted to meddle with."

The Board sent the forms for a register, and directed that no time should be lost in promulgating the proclamation; observing, that "no steps could be legally taken, for carrying into effect the resumption, consequent to non-compliance with the requisition for registering rent-free lands, unless the requisition itself should have been promulgated in the mode directed by the law.

"In the mean time the formation of the register from the documents already deposited in your office, may be proceeded upon at the occasional leisure (!) of yourselves and of your native officers. But in anticipation of

the future resumption of unregistered rent-free lands, I am directed to add that a registry of these grants on the part of the grantees, will not depend upon the arrangement of these documents into the form of an official register; the production of their documents, being as far as could depend on themselves, compliance with the requisitions made on them."

In reply to various references from the Collector of Agra, the Board decided that due registration was made, where the tenures had been noticed by the Collector in any former settlement proceedings, and informed the Collector, that tenures having been once thus duly registered, there was no necessity for calling upon the parties for their sunnuds; that due registration had been made, when the parties had notified their holdings to the purgunnah officers, in whose lists the tenures had been inserted, and that due registration of tenures and sunnuds had been made, where the parties produced sunnuds bearing the signature of any Collector, shewing that they had been presented to him, or where one or more perwannahs had been issued by a Collector, confirmatory of the tenure. The Board, in all those cases, held that immediate and summary resumption was improper.

Whether or not these constructions were right, or whether they were not rather pushed to an extreme, is a question that may be now considered as foreign to the subject. They were laid down by the highest revenue authority in the country, and regularly reported to the Supreme Government, and were also regularly forwarded to the Honorable Court of Directors; for at that time and for a score of years afterwards, entire copies of all correspondence held by the Board, were forwarded to Government and to the home authorities. Besides which, the fact of no lands, worth consideration, becoming liable to summary resumption according to the Board's construction, was distinctly reported by the Board to Government, and their sanction solicited to the release of those insignificant portions of land, which after such liberal construction appeared to come under the gripe of the law,—and this was given.

These constructions of the law having been thus distinctly promulgated, and tacitly sanctioned by the Government and by the

Court of Directors, during a period of 25 years, might in the opinion of men, not lawyers, be considered to be definite and to have precluded doubt as to what was or was not registry. Considering, too, that Government was judge as well as plaintiff, it might justly have been inferred by the people, that whether those constructions were right or wrong, they would be adhered to.

It is to be observed, that the complete registry of a tenure did not preclude Government from the investigation of the right to continue to hold it, at any time; nor did the registration of a sunnud stamp the said deed with any authenticity, or prevent its merits being enquired into at any time, whether as a document, giving land to the original grantee merely, or as conferring an hereditary right. It simply secured the holder from the immediate grasp of the Collector, and from the summary incorporation of his land with the ordinary revenue paying land, without further question.

But it afterwards became known, that besides the lands registered according to the construction of the Board of Commissioners, and notwithstanding their reports to Government, that only such and such lands of small amount could be found not registered, and which were as above noted released; that besides these, there did exist a considerable number of tenures which had not been notified in any way to the revenue authorities, neither to the Collector nor to the purgunnah officers, and by section 12, of Regulation III. of 1828, the old penalty, unrepealed, was re-enacted. For some years this was not much noted, but lately has been put into full vigour. The Sudder Board have determined, not merely that all tenures, no notification of which had been given to the revenue officers, and for concealment of which, perhaps, only was intended the penalty of the regulations; but all tenures, also the whole and full particulars regarding which as noted in the Regulations XXXI. and XXXVI. of 1803, had not been regularly recorded by the Collectors, should likewise be forthwith resumed and assessed, without any further investigation, thereby at one sweep, setting aside all the former constructions of the regulations as above noticed; and they ruled, that no

communication by the parties to the purgunnah officers of the lands possessed by them, should be held to be due registry; what they decided, was only when the registration had been made by the Collector himself; and further that though the tenure had been notified to the Collector himself, and inserted in the register, still that if no sunnud (deed of grant) was registered, the lands were subject to the same summary resumption. Further, the strict letter of the law as prescribed by section 12, of Regulation III. of 1828, has been enforced. This section rules, that "all tenures which may not have been duly registered in the manner prescribed by the regulations, or of which the specification contained in the REGISTER, shall not purport the same to be held under an hereditary title or as a perpetual endowment, shall be, and be held to have been, liable to resumption, on the demise of the persons who were in possession at the dates respectively of Regulations XXXI. and XXXVI. of 1803; and Collectors shall accordingly proceed to assess, and if necessary, attach all lands liable to resumption as above, in the same manner and with the same power as they are authorized and required to proceed in the case of a lapsed form, any thing in the existing regulations notwithstanding."

Now, this is very plain, and at first it strikes the reader when pointed out to him, (at least so it did to us) as wonderful, that the enforcement of so clear a law should have been delayed since the year 1828. But perhaps the wonder may be lessened, when it is found that the particulars required to be registered by Regulations XXXI. and XXXVI. do not embrace this specification; and that it has been considered out of the intent of the Regulation III. of 1828, to declare property liable to summary confiscation, for omission to register according to certain regulations, what those regulations do not prescribe to be registered. Otherwise, before now, it would have been found in these provinces, that there was no necessity for Special Commissioners of *quo warranto* deputies, to investigate rent-free tenures. For probably no tenure will be found which has been registered with the specification mentioned in Regulation III. of 1828, but never proscribed by any former regulation.

That no former regulation did prescribe this, will be evident to any one inspecting them, (the particulars required to be registered are inserted in the commencement of this paper,) and that the intention of Government was not summarily to resume and assess tenures on the death of their possessors; at least as long after the enactment of Regulations XXXI. and XXXVI. of 1803, as the year 1811, appears from orders dated in that year, directing the Board of Commissioners, distinctly to prohibit all Collectors from attaching or assessing rent-free tenures after the death of the holders, till regularly adjudged liable to resumption under the general regulation; that is to say, till after investigation and decision. Now when these considerations are taken in conjunction with the fact of the extreme negligence, unavoidable from want of time, of the Revenue Officers in preparing the prescribed registers, and the so notorious state of irregularity and incompleteness in which they now are, it may perhaps be concluded that the section 12, of Regulation III. of 1828, expresses more than the intention of legislature. At all events, it is clear, that the enforcement of this law as now directed by the Sudder Board of Revenue, in this, its extent, is equivalent to the enactment of act ..... of 1836. "Be it enacted, that all Mafce tenures shall forthwith cease and determine." How few of the holders of land in 1803 are now alive! and as this *special* section of a *special* regulation, prescribes that the heirs of those possessors shall be destituted for the fault, not of their fathers nor of Collectors, but of the law and the law-givers, in not foreseeing and foreprescribing the registry of what is now insisted on, as even a preliminary to allowing an investigation; the special Commissioners and *quo warranto* deputies may shut up shop—nothing more is now requisite. The acumen of the Sudder Board has laid every tenure prostrate, and the Mafceholders are now somewhat in the state to which Joseph's policy reduced the Egyptians under Pharaoh. For it will be observed that no sunnud, valid howsoever they be, however strong and clear may be their terms, however long the tenure has been enjoyed, can bar not merely resumption, but summary resumption without any investigation. Their sunnuds may have been

registered, every thing that depended upon the Mafceholders may have been done by them, to comply with the requisitions of the regulations for registry, but still as the Collector or the Collector's amlah, did not enter a specification in the register (which specification was not directed to be made) these sunnuds are of no use, nay! they will not be looked at; no pause is to be made, *but the Collector may represent for lenient considerations such cases as appear to be attended with peculiar distress*, and the Sudder Board may represent them to Government, and the Government may allow a crust out of the loaf.

We think that any one who will attentively and with a temperate and unbiassed spirit peruse the regulations, will agree with us, in considering that the intention of the laws prescribing registry, was to enable government to know what lands there were alienated from the rent-roll, and to prevent subsequent alienations unauthorized; and no man can deny the justice of the immediate and summary resumption of all lands withheld from the knowledge of the Government, after the term allowed for communicating this information, and which time was ample, second by prescribing that copies of deeds under which the land was held should be filed, it was the intention of the law to prevent subsequent forgery of sunnuds; and no one can deny the justice of prescribing that all sunnuds subsequently produced, which were not so registered, should be unhesitatingly rejected. But we think also, that it will be deemed that though perhaps rather too lax, the Board of Commissioners' construction of the law were the just ones, and that the present strict enforcement of the mere letter of the law beyond even what was in the power of the Mafceholders to fulfil, will not leave a sweet savour on the name of the British Government, either among the population of India or in the annals of future history.

"Barbariccia

Con tutti i rasi, ed assai prestamento  
Di qua di la discesero alla posta;  
Forser gli ucciai verso gl'impannati,  
Ch'eran già cotte dentro dalle crosta,  
E noi lasciammo lor così 'mpacciate."

Meeruti Univ. Mag.]

(To be continued.)

## REVENUE SETTLEMENTS.

**PRELIMINARY REMARKS.**—The district of Meerut consists of 27 pergunahs, of which only 1 whole pergunah had been settled before I commenced my operations. I am now happy to report that 20 are completed, and will very shortly be sent up for the confirmation of Government. The 7 pergunahs, however, which remain for settlement, namely, Meerut, Braughput, Sony, Dasnah, Jelalabad, Sirawah and Bhojepoor, pay about the same amount of juma as the 20 which are settled, and leave sufficient work for one more season.

2d. Out of these 7 pergunahs, many villages have already been settled, but the examination of the adequacy of the juma which has been fixed upon them, will of course accompany the revision of the unsettled villages. The following statement will render manifest at one view, what has been completed, and what remains for revision. It includes the villages in the Baza Bacc's Jageer, which has lately lapsed to Government, and which have been assessed at a juma of 65,257 rupees.

*Settlement work completed during the Season of 1834-35.*

No. of Pergunahs.	No. of Mouzas.	Reported.		Unreported.		Annulled.		New.		Mokur-rures.	
		Mouzas.	Juma.	Mouzas.	Juma.	Mouzas.	Juma.	Mouzas.	Juma.	Mouzas.	Juma.
20	322	70	311	189	17546	31	35369	41	50256	270	250339
										6	1733
											731802

*Settlement work remaining for 1835-36.*

No. of Pergunahs.	No. of Mouzas.	Reported.		Unreported.		Unsettled.		Total Juma.
		Mouzas.	Juma.	Mouzas.	Juma.	Mouzas.	Juma.	
7	921	302	224350	253	230230	366	341298	706708

3rd. The operations of the season 1834-35, may be considered satisfactory, since a juma of more than seven lacks of rupees has been carefully examined and revised. The trouble which the reported villages have cost me is fully equal to that which has been bestowed upon the unreported and newly settled.

4th. The professional survey has been completed in the 20 settled pergunahs, with the exception of five or six villages, which on account of unadjusted boundaries or distance, have been omitted. The unsurveyed villages in the remaining seven Pergunahs will, I trust, all be finished before the close of the season 1835-36, so as to admit of my completing the settlement of the whole district.

5th. The collections of Zillah Meerut have always been realized with facility, and there is every reason to suppose that the juma has not

pressed heavily on the resources of the country; considerable variety prevails in the fertility of the several pergunahs; those which are between the Kala Nuddee and Ganges being poor, and sandy, while those near the Jumna are chiefly of a rich black soil, producing sugar-cane, tobacco, cotton, and other superior products, and assessed at an average considerably higher. The natural advantages of the western side of the district have been considerably improved by the opening of the Dooab Canal, which though it injures the soil after the second or third year by a sandy deposit, has had the effect of causing all the waste land in its neighbourhood to be reclaimed, and yield abundant harvests.

6th. The district is favorably situated for the prosecution of agricultural trade. Meerut and Hawpoor in the heart of it, and two navigable rivers on its borders, with a large grain mart on each (Gurmookhlesar on the Ganges and Shadera on the Jumna) afford great facilities for the disposal of its produce. From the north west, where sugar-cane is chiefly cultivated, goor is transported to Bhewanny on the other side of the Jumna in great abundance, whence it is again distributed to the south and west. Indigo has never been cultivated to any great extent, and in consequence of the failure of the agency houses and the abandonment of the few factories in Pooth Seana, it is now seldom or never cultivated.

**SETTLEMENTS COMPLETED.**—7th. With the exception of 18 villages which were settled under regulation VII by Mr. Tulloh, the whole of the revised settlements have been effected by Mr. Glyn, partly under Regulation VII. 1822 and partly under Regulation IX. 1833. The division of these into reported and unreported is shown in the columns of the statement in paragraph 2; but out of the whole amount already settled, only 1,23,939 Rs. of juma have received the confirmation of Government.

8th. I cannot precisely make out upon what principle Mr. Glyn conducted his settlements. The rates in most of the Roobukaries I have seen, appear to have been formed merely as a matter of account by the well known *bach* process. The calculation of total assets which had been prepared before my arrival, in the new forms for the Regulation IX settlements, was fictitious, for 30 per cent. was invariably added to the juma; so that, as was stated in my letter dated 21st June, 1834, the jumabundee was formed from the juma, not the juma from the jumabundee. In short, Mr. Glyn appears to have been guided by general considerations in forming his settlements, without entering into any account for the purpose of computation.

9th. The discretion with which I was invested of altering the juma fixed by Mr. Glyn in the unreported cases, was exercised with the greatest care and delicacy; for as the zemindars do not exactly understand the nature of the control over the acts of its agent, which is vested in Government, and consider the juma once fixed as unalterable during the currency of the lease, I was fearful of encouraging the slightest notion of a breach of faith; and it was only in instances where inordinate loss would have occurred to Government, or collusion between the zemindars and the former Omlah was unquestionable, that I ventured to annul Mr. Glyn's proceedings, and make any alteration in the juma he had taken. The number of mouzas thus altered was 41, assessed at a juma of nearly 50,000 Rs. The records in most of the unreported settlements were found very incomplete; but as they have been now carefully reconstructed, there is no occasion to dwell upon the subject.

**RATES.**—10th. In a district where butace chiefly prevails, and where, if money rates are in existence, they are formed merely by distributing the Government demand by *bach* over a certain number of beegahs, it is difficult to fix a satisfactory standard of payment for the various quality of soils. Enquiries, however, amongst zemindars and putwarries and the conversion of average produce into the market value, enable a Collector to approximate to a money rate which is as accurate as any one that a zemindar himself could form. The rates per pukka beegah thus obtained in this district are exhibited below. They cannot be considered exact, but at the same time are likely to lead to more equal and just results than enquiries founded on minuter investigation of details.

	Worst.	Middling.	Best.
Irrigated....	2½	3	4
Unirrigated			
Dakra.....	1	½	2
Sectah.....	12	1	½
Bhoor.....	8	12	1

I have retained the pukka beega in this computation, being the standard which is adopted in native calculations. It is easily convertible, if necessary, into acres. The pukka beegah being 625 or five-eighths of an acre.

11th. The formation of these rates was facilitated by my having procured a large book which was drawn up at the demise of Rajah Nyn Sing, exhibiting accurate jinswar rates of all the villages in his mo-qurree, which extended over six pergunahs; as well as by a statement which every qanoongoe was required to give in of the surah prevailing in every village of their respective pergunahs.

12th. These rates, however, were not applied generally, but only in individual cases. I adopted as a preferable method in every pergunah, a rate for irrigated and unirrigated, without specification of soil, allowing myself to be guided by the opinion of the zemindars rather than rely totally upon the khushrehs. From personal inspection of the soil in several

villages, I was satisfied that these documents, while they were extremely accurate in the measurement of the area, frequently registered incorrectly the quality of the soil. This is not to be wondered at, for independent of the mohurrer's inability to classify the soils, now that the professional maps gives the measurement, it is the only method left to them by which they can earn a fee.

13th. Having ascertained by detailed enquiries regarding produce, a moderate pergunah rate both for irrigated and unirrigated land. I tested it by a variety of methods, so that, before it was reduced to practical applications, I became pretty confident that it had attained a degree of correctness, which would warrant the adoption of it as the basis of my calculations. One method on which I placed the most confidence, was the examination of summary suits. On my first arrival at Meerut, I drew out an abstract of every suit for rent which had ever been entertained in the Collector's office. The claims were of course always for money fixed, at a moderate exchangeable value for butace produce. These rates were much to be relied on, for they of course had been given in by the putwarries without any idea of their being applied to these purposes. The examination of these suits has not, I believe, been hitherto urged upon the Collector's notice, but if properly conducted, it is calculated to afford him the most material assistance.

14th. Another comparison to which I subjected it, was, after having ascertained about 6 or 8 villages, in a pergunah which were universally allowed by the zemindars to be assessed at a proper standard, and represented by the Tehseeldars to pay their revenue with ease, I applied my new formed rates to their irrigated and unirrigated areas. When I found, as was generally the case, that, after deducting 30 per cent., the calculation brought the amount very near the present juma, I had some reason to be confident of its accuracy, if otherwise, I sought for reasons to explain the discrepancy.

15th. Out of these selected mouzas, there are most probably some which have been settled under Regulation VII. 1822, so that it is satisfactory to know that the new settlements have been tested by comparison with those which were formed, or supposed to have been formed, upon a careful examination of field rentals, and detailed enquiry of every kind. The assessments, however, of these mehals, are not all equally correct, and the application of the pergunah rate to them frequently enables one to detect the fallacy of certain assumptions which have been ventured in their formation.

16th. This rate, when fixed, was applied to the neighbouring pergunahs in which the soil and other capabilities were equal, and when it reached a point at which some new variety or other order of circumstances met my view, I either raised or lowered it as my judgment dictated. In this way I have made one rate

for two or three pergunahs, and only calculated a new one, when reason seemed to demand it.

17th. The rate was generally calculated upon the cultivated area of the professional maps, except in particular instances, where I had reason to be satisfied with the khusreh returns, and had ascertained that the increase of cultivation which they exhibited, was likely to prove permanent. Wherever the khusrehs show a decrease of cultivation, I have invariably assumed the area of the professional survey. In some instances these documents show a large increase, which is merely temporary. The season of last year was so extremely favorable, that every where large patches of waste were turned up for the khureef harvest by merely driving the plough between the roots of dak jungle and sowing oorud, til, bajra or jowar. Unless a succession of favorable seasons were to recur, it is not probable that these lands will long continue under cultivation, and although in fixing my assessment, I have always taken into consideration this facility of extending the cultures, I have not assessed them as if they were permanently under the plough.

18th. The rates have always been formed on the khusreh, wherever, in consequence of undecided boundary disputes, two mouzas had been measured together by the professional survey, as well as where a village was notorious for possessing a larger quantity of superior soil than fell to the lot of other villages in the pergunah, or wherever a mouza was divided into distinct putties, and it was necessary to fix a separate juma upon each; with these exceptions, the basis of the assessment has been the professional survey. Indeed I could not have used the khusrehs generally for two special reasons, one, because many of those that were prepared the year before my arrival did not, through the negligence of the mohurrer, exhibit the varieties of soil; and the other that, during this season's operations, my settlements frequently preceded the field measurement.

MODE OF SETTLEMENT.—19th. Having thus ascertained what I had reason to suppose was a fair rate, I commenced my settlement of a pergunah. The averages on the total and cultivated area being drawn out, my attention was immediately attracted to those which were exorbitantly high or unreasonably low, and every inquiry was instituted to ascertain the occasion of those inequalities. Before I commenced my public settlement, a few days were devoted to private communications with the zemindars. The proprietors of each mahal were heard separately, and in private; they were invited to inform me of the circumstances of every village in the pergunah from beginning to end. Every encouragement was given to them to deliver their sentiments without disguise or reservation, and I allowed no government officer to be present, I never betrayed to one man what I heard from another, and in this manner their opinions were delivered so freely, that when the several accounts were balanced one with another, after

making allowances for enmity of difference or caste, I became thoroughly acquainted with the circumstances of every village.

20th. When I was satisfied from this information, that a village was assessed too high or too low, I visited it personally to find out if I should be warranted in raising or lowering the juma, and I believe I may safely say, that of all the villages in the district, the jumads of which have been altered or proposed for alteration, there is scarcely one that I have not visited myself. This unreserved communication with the zemindars and cultivators is calculated to inspire the settling officer with the strongest confidence. So much so, that without calculating any pergunah rate or drawing out a juma bundee, he might fix his juma with great accuracy from these local enquiries alone. After these investigations were concluded, I deducted from 20 to 50 per cent. from the jumabundee according to the circumstances of each village. I usually deducted 30 per cent. and have stated my reasons in the miscellaneous remarks when I varied much from this amount of deduction. This however is a mere matter of account, and may be easily dispensed with, as it only tends to mystification.

21st. When a mouza has hitherto paid its revenue with ease and no cause whatever exists for abating it, except the fact of its paying a higher average than prevails in the neighbouring mouza, I have not thought it necessary to lower it. I may instance pergunah Shikarpore as one of the strongest examples of this nature. My reasons for retaining the former juma are fully explained in the miscellaneous remarks appended to no. 3.

22nd. In villages where my calculations would have warranted me in demanding a small increase of about 10 or 20 rupees, I have generally retained the former juma, particularly where in former settlements it has been subject to a periodical increase. It has been the universal complaint though much less in this than in other districts, that in settlements after settlements some addition has been taken as a matter of course, and the increase of even 50 rupees appears to have been formerly a passport to favour, which few Collectors had the courage or humanity to resist. A careful comparison of each new settlement with the former, will prove this assertion, and here where the title to so many zemindaries is litigated, there has been ample scope for the exhibition of this zeal. Even now scarcely a disputed zimindari in the whole of noloha and pooth seana in which the juma could not be doubted, by inviting the tenders of different claimants, and forming a settlement by auction.

23rd. These petty augmentations occasion considerable dissatisfaction and make it appear as it was the Collector's avowed object to gain some increase any how. The moral effect of retaining the former juma, if possible, is not unworthy of consideration. Stability is thus changed for fluctuation, and



generates a feeling of confidence in government and gratitude for its moderation, which it surely is not unwise to encourage. By this wholesome measure no loss accrues to government, for it is obvious that if some time the usual calculation would warrant a small increase, they would also occasionally warrant a small decrease, but as neither has been carried into effect, the government demand in these instances remains as it was: and even if the adoption of this plan were attended with any loss, it is amply compensated by its manifold advantages.

24th. Regard was always had to circumstances which should have due influence in fixing an assessment, such as the state of the village, whether wryan or in good repair, the prevalence of pahee cultivation, the amount of cultural waste, facility of land or water carriage, the past fiscal history, the nature of the soil, the caste of the cultivators, the unanimity or discord of the community, the depth of water, the population of the villages, previous alienation of rights and the vicinity of marts. I have not granted extra remissions to the talookdars, for although they are subjected to heavy expenses for their own luxury and convenience, yet the charges of appraising crops and collecting, fall upon each village in the talooka; and as they have large stores of corn at all times in bond, they can throw it into the market at favorable opportunities, and are not compelled to submit to the extortionate demands of usurious bunyahs. Independent of this, the rate which they fix upon the several crops is rather higher than that which prevails in the neighbouring villages.

25th. In mehals where the government revenue has been very much enhanced, I have generally allowed larger remissions, in some instances extending to 50 per cent. and in none has the profit been calculated at less than 20. It is obvious that had but 30 per cent. been deducted in all these instances, the government juma would have pressed with undue severity upon the resources of some of the proprietors. For the same reason where I have granted a decrease, I have seldom allowed for a remission of 30 per cent. for although a village may have been, with reference to others, too highly assessed, yet if it has continued to pay the juma, notwithstanding it may have had to contend with difficulties, yet the sudden remissions of a large sum may not only be required for its immediate relief, but may be apt to generate discontent in the surrounding villages, which may have been treated less leniently in the present settlement.

26th. That which is a liberal allowance and affluence to some men, is ruin to others. If, for instance, there are two mouzas corresponding in every respect to each other, each of which should be assessed at a juma of 1,000 Rs. but of which one only pays at present 500 and the other 1,500; it is manifest that the increase in the former case would reduce the proprietors to indigence, would

deprive them suddenly of all the substantial comforts they had been able to enjoy, and would degrade them from the respectable position they had held in society: whereas the abatement of 500 Rs. in the latter case, would be perhaps much more than is requisite, would leave them in comparative affluence, and enable them by a sudden resolution to change places with the other party. In these cases it is not advisable to increase or abate the government juma to an inordinate extent, and it is as impossible to assume one invariable standard of deduction, as it would be to have but one rate for the whole district.

27th. For these reasons, the result of an examination into the settlement averages may prove fallacious. The statement of averages if before the Collector *previous* to settlement is of infinite service, as it calls his attention instantly to those jummas which appear to be too moderate or too severe, and as it becomes his duty to make particular enquiries in those instances, he may very possibly find reasons for retaining them as they are, so that the averages will remain the same. The mere circumstances of a pergunah's being settled at an uniform average is no criterion of a just settlement, the application of the average rates is most useful as a check, and greater confidence may be reposed in a settlement where the averages, if they are various, can be accounted for, than in one where an uniform rate prevails throughout every mahal. In the latter case you may have good cause for suspicion that the average is the sole basis of assessment, which has been fixed, without any reference to individual enquiry, and in short is more likely to have been done in the closest than from intimate communication with the parties most deeply concerned. My own averages are as uniform as possible, but they will still exhibit considerable variation; never however without due cause assigned, and although my deductions from the jumabundee vary from 20 to 50 per cent., I believe it will be found by calculating the whole cultivated area at the pergunah rate and deducting 30 per cent. from the whole.

28th. Having fixed my juma with reference to all the considerations above enumerated, a day was appointed on which the sums would be notified and engagements taken. This was always done in the open air, while hundreds of zemindars were sitting around me, so that every one at the time of settlement might advance his claim to be admitted to engage, and that no undue influence might intimidate him from coming forward. In this manner the engagements for as many as 50 villages have been taken in one day. The zemindars had a confidence in the calculations and enquiries that had been made, and acquiesced readily and without compulsion in the juma I had fixed.

29th. In no one instance has my juma been a matter of negotiation, or been increased or diminished according to the temper or remonstrances of the zemindars; any party was at liberty to object, but when his reasons were

stated, I was generally enabled to give mine in return. I gave them leave, if they chose, to refer my juma to a punchyut, and promised to abide by their decision. This was done in nine instances, in eight of which my juma was declared moderate, and in one I was compelled to grant an abatement. I never allowed the zemindars in disputed cases to bid one against another, or at least never accepted a juma which was thus raised by a most unjustifiable and unprincipled method; from motives of revenge, or a desire to gain possession, a zemindar will be stimulated to offer much beyond what he is able to pay, and to have listened to these demands, would have been ministering to their worst passions, and eventually have conducted them to misery and a jail.

30th. After the engagements were taken, I remained a few more days in the pergunah to hear miscellaneous claims, and to draw out a record of the manner in which the sharers intended to distribute the juma amongst themselves. This could be done, however, in very few cases, as it was seldom that all the zemindars of a village were present at the same time.

TENURES.—31st. The nature of the tenure in each village is fully and accurately explained in form No. III. In some instances it is difficult to decide which is zemindaree and which is putteedaree, and in the absence of any authorized definition, it is necessarily left to the discretion of each officer to class them as he thinks proper, provided the tenure in each case is correctly defined, it matters little what name is given to it; and although the subject has undergone much discussion, little importance can be attached to it, and every accession of information only seems to involve the matter in greater uncertainty.

32nd. The fact is, that whatever definition may be given, it will not apply equally to every zillah, some little peculiarity will perhaps be found which would exclude each tenure from the limits which had been assigned to it; what one man includes under zemindaree, another calls putteedaree, and one includes under putteedaree, what another calls bhyacharah. In short it is much easier to give a negative definition, and to say rather what it is not, than what it is, to point out the incidents which do not apply to each tenure, rather than those that do.

33rd. The Sudder Board of Revenue on deputation, during the discussions in 1831 and 1832, resolved the tenures in the Western Provinces into zemindaree and putteedaree, stating that proprietary interests in the former were usually specified in the fractions of a rupee, and in the latter (in which rights are more immediately connected with the possession of land) in the fractions of a beegah. From this definition an eminent authority dissented as not being sufficiently comprehensive, because it did not include the talookdaree tenure, "in which as it prevails in the unsettled provinces, there existed, undoubtedly, a right of property, though that

right is not specified either in the fractions of a rupee or beegah." This, however, is a mere distinction without a difference, for the fact is, that when a man possesses an integer, it is not usual to express it in fractions; and the talookdaree tenures which came under observation were undivided, because there happened to be but one proprietor; had there been more, their rights would have been expressed in the fractions of a rupee or beegah.

34th. The Sudder Board's definition will not strictly apply to the proprietary right in this zillah, because no right is expressed in the fractions of a rupee whether in a zemindaree or putteedaree village. I have myself sometimes directed the proprietors to express in the fractions of a rupee the proportion of the Government juma they would pay after settlement, but this was only done to prevent those disputes which frequently arise after the juma is made known, but generally admit previously of amicable adjustment. If a sharer finds the juma unexpectedly low, he will put forward some extraordinary claim, which otherwise would have been suffered to be dormant, if unexpectedly high, he will be content with what he has hitherto enjoyed, and which most probably constitutes his sole right.

35th. In a few of the syud communities also, where the proprietors have been scrupulous about allowing themselves to be recorded as holders of a certain fractional share, in the absence and to the detriment of others whose right is included in that share, when they have divided the payment of the juma amongst themselves, they have done so in the fractions of a rupee, still keeping the whole village liable for revenue balances, so that wherever the fractions of an anna have been used, they confer no right whatever of property, and rather denote its absence than existence.

36th. The bhyachara tenure is generally spoken of as one in which the shares are liable to a re-partition either periodically, or at the demand of a certain number of sharers; now although there are unquestionably bhyacharee estates, and many, in this district, yet they are none of them liable to periodical re-partition. It is evident that all these attempts to refine upon a matter in which so many nice and subtle distinctions should all be taken into account, and in which one universal unerring character does not enter, only tends to confusion, and gives an appearance of accuracy which minute enquiry does not confirm.

37th. I have contented myself with considering, that wherever the land of a mouza has been actually divided, or the extent of a sharer's interest is limited by the quantity of land in his possession, the tenure is putteedaree, that the same is minutely subdivided as bhyacharee, and where there is no division of land, but only a right expressed in fractions of a beegah, that the tenure is zemindaree, but as this word is applicable to every holding,

it would be more comprehensible if this tenure were denominated *biswadaree*.

38th. If *putteedaree* and *zemindaree*, however, are considered merely as distinct modes of collection, it may be said that the *putteedaree* is one in which the *bach* method generally obtains, and a *zemindaree* *mouza* might be classed as one in which rents are collected according to stated rates, without any reference whatever to the amount of *juma*, and that the profits are distributed either amongst all or only a few of the proprietors. But an objection against this definition may be found in the fact, that a village which has 5 *puttees* may still collect in the *zemindaree* method within each *puttee*, and yet surely it cannot be asserted without a direct contradiction in terms, that a village with 5 *puttees* is not *putteedaree*. In short the distinction will vary according to the meaning supposed to be conveyed by the specification of tenure: if it is regarded as a mode of record I believe my opinion is not inaccurate; if as a mode of collection, then they may be classed in the manner above mentioned.

39th. I conceive that a *putteedaree* tenure implies that there is a *puttee* or portion of land, otherwise there would be no meaning whatever in the title; and not only is this conformable to the settlement forms, but the *zemindars* themselves alone comprehend it in this light. If this separation of land is allowed to be a necessary incident in the *putteedaree* tenure, it would not be difficult, in this district at least, to draw a line which will be sufficient for all practical purposes and a distinct impression will be conveyed of the meaning attached to the title.

40th. In what I have considered *putteedaree*, the hereditary interest of individuals will be often, but not always, disregarded, and possession alone be considered as constituting right. I have said *not always*, because in some villages the *puttees* have been marked off according to the hereditary share, but in others the one bear no proportion to the other. It is difficult to show why, in particular villages, hereditary right has been set aside. It may have arisen from the partition having taken place during the absence of some of the sharers, or the interest and power of some have enabled them to assume a larger portion than they would have been entitled to according to the genealogical tree: however this may have occurred, it is now of little importance to consider, but upon examination it will generally be found as the distinctive feature of the tenure, that the proprietary right is limited to actual possession of the land.

41st. Lord William Bentinck, in his minute of the 26th September, 1832, has declared his opinion that the tenures in the Western provinces were all originally *putteedaree*, merely considered (according to the meaning attached to it in the province where it first came into notice) as joint

property in estates, but certainly will not apply if the above definition be admitted. Our own records show every day the conversion from *zemindaree* to *putteedaree*, and a great part of the district is by a rapid transition now changing from one tenure to the other. This is not difficult to account for; the security which is experienced under our Government, has had an evident tendency, although its influence has been more passive than active, to produce this effect. In proportion as the shares in a *zemindaree* village multiply, the greater is the probability of its becoming *putteedaree* or *bhycharah*.

42nd. During the misrule and disorders of former Governments, it was necessary for the brotherhood to combine for the purpose of resisting the unlawful encroachments of their neighbours, and the attacks of predatory hordes; it was not the interest of a party to have his separate share divided off, which could be of no use to him so long as he could not protect it from violence. Union was the only object, and one man was frequently put forward to engage for many villages.

43rd. Afterwards, when the system of our Government afforded protection to the inferior proprietors, they were anxious to come forward to have their shares separated, and to be freed from the authority of the head men of the village. But the most extensive changes have been effected in the tenures through the operations of the surveys and settlements under Regulation VII, 1822. This effect has not generally, I believe, been observed, but in most instances it is easily traced. It has converted *zemindaree* into *putteedaree*, *putteedaree* into *bhyacharee*, and undivided *bach* tenures into one or other of the latter, and though in many respects this division of rights and interests is desirable, yet it has certainly dissolved the union of the communities and created a diversity of conflicting interests; while a self-sufficient independence and an exemption from salutary control has been substituted for mutual reliance and subordination. How far it may be desirable to countenance this total separation of interests deserves consideration, for more evil than good is likely to spring from its accomplishment.

44th. Some tribes have a greater inclination for the division of their land than others; and this effect is easily to be ascribed to their peculiar propensities. The Jats, for instance, on account of their fondness for agricultural pursuits, generally prefer the *bhyacharee*. The Tuggas, either *bhyacharee* or divided *zemindaree*. The Rajpoots, Puthans and Sydas, being too indolent or proud to cultivate much themselves, generally prefer the *biswa* division, and the Goojurs, being much addicted to thieving, and more indifferent than any other class, scarcely even have a *putteedaree* division, and very seldom subdivide a *zemindaree*. They are usually allowed to resume their own share after a long absence or sojourn in a foreign land; which right would be contested by the other classes, amongst whom the relinquishment of a share

for any length of time is reckoned a virtual defeasance.

45th. Although it has been declared above to be the passive tendency of our system to change zemindaree into putteedaree, it does not follow that the contrary never occurs: for example, one puttee of ujrah had been converted at Mr. Glyn's settlement into a bhyacharee tenure, but when it was found that, through one man's absconding and the inability of others to pay their quota, the proprietors could not maintain the system of several responsibility they dissolved it, and the puttee has again reverted to the former method, paying through one proprietor without division either of juma or land.

46th. Wherever also an auction purchase of a putteedaree estate has occurred, it has of course speedily assumed the form of the zemindaree tenure, while the proprietors still continue merely as cultivators with right of occupation, though their power of transfer and real proprietary interest is of course lost. But I am happy to say that this district has been very little affected by auction sales, and comparatively few interests have been transferred since the conquest. From 1213 to 1233 F. S. inclusive, only 38 villages had been sold, both for arrears of revenue and decrees of court.

47th. Indeed, it is matter of astonishment, that notwithstanding the vicinity of Meerut to the scene of perpetual revolutions, the Chourassees (or 84 villages equivalent to the Saxon hundreds) which are mentioned in Tod's Rajasthan, may be considered to exist in almost their pristine integrity amongst the Rajpoot and Jat communities; and the subdivisions into 42, and 12 villages are still more frequent. The head man of the chief villages in these communities is still looked up to as a superior to whom all others of the clan owe allegiance, and are scarcely considered to be vested with the responsibility and consequence of zemindars, until he has presided at the ceremony of binding on their turbans. The proposal to admit these zillahdars and choudrees (as they are called) to collect from their respective divisions, while an individual settlement might be formed with the subordinate villages included in them, is worthy of deliberation, as being calculated to raise a highly respectable class amongst the landholders, which might eventually prove of great service to government, at the same time that the introduction of the measure would revive an old and cherished institution.

48th. The Rajpooths, Tuggas, Jats and Goojurs may be considered as nearly equally divided. Some villages towards the Ganges are held by Syuds and Puthans. These six classes may be considered as forming nearly the whole proprietary of Meerut, but some few villages are held by Raos, Beloches, and others, who have acquired a right either by auction or private transfers. The most ancient tenures are those of the Rajpooths, Tuggas, Jats and Goojurs, with the exception of

the Panjabee Jats, who have been located here within the last century; and the Goojurs near the Ganges, who obtained possession during the time of Myn Sing and his ancestors. The Syuds say they acquired their zemindaree during the earliest periods of the Mussalman conquest, and the Puthans (about Tooth) in the time of Jehangeer.

MODE OF COLLECTION.—49th. When a village is said to be zemindaree or putteedaree, no specific information is obtained regarding the mode of collections. The most usual method in zemindaree villages is to collect in common and divide the profits either before or after the payment of juma. In the first case the sharer is responsible for a particular portion of the juma, and his fractional right would be sold in case of the default; in the other, after the whole juma is paid, the profits or losses are distributed according to the several shares, and the whole village is responsible for revenue balances. But these modes of collection may also prevail within the puttee of a putteedaree village, particularly in one where the land has been divided according to hereditary right.

50th. In zemindaree villages, inferior sharers frequently cultivate at fixed rates which are generally comparatively low, and claim nothing beyond this limitation. They usually enjoy immunity from the payment of village expenses; but it is not at all improbable that hereafter, when their numbers increase, and they shall be enabled to resist the authority of the sudder malgoozars, that they will assert their claims to a partition either of land or biswas. This had already occurred in many villages under the operation of the orders which had been strongly inculcated upon the district officers, to separate, if possible, every sharer's right. In preparing the records for these villages, I have been obliged frequently to restore the old method of collection on account of internal discord and mismanagement consequent upon this change. In my own settlements, I have endeavoured as far as possible to preserve the present mode of collection, except where manifest oppression or other cause rendered some modification necessary.

51st. In bhyacharee villages, where each sharer's tenement is divided off, a regular money rent is paid, generally by distributing at an even rate per beegah on each share the government juma, as well as all other expenses which may arise for the payment of the lumberder or village expenses. In putteedaree villages, various modes of payment prevail, various even in the puttees of the same village, but generally a *bach* system of some kind or another predominates.

52nd. A very common method of collection is that of beegah, dam or other *bach* which prevails in what the Board calls villages partly zemindaree and partly putteedaree. There is perhaps no other way of classing these tenures, for they sometimes incline more to one or the other tenure. Sometimes the lands are divided, sometimes they are not,

sometimes the *bach* is on the cultivated land, sometimes on ploughs, sometimes on wells, and sometimes even on families, but generally it falls on any accidental quantity of land which may happen to have been cultivated by any sharer. Although the tenure is complicated, the mode of collection is simple. The rents are first collected from the cultivating asamees according to the rates specified in the *teerij*; and the deficiency is supplied by a *bach* upon the lands cultivated by the proprietors, so that the contributions of the proprietors are in an inverse ratio to the quantity of land which they cultivate, and as the amount is increased or diminished every year, their contributions will sustain corresponding variation.

53rd. The metayer system generally prevails throughout the district, and the cultivator's proportion of produce varies from one-half to four-fifths. The average rate may be considered as three fifths, or 60 per cent. throughout the district. Money rates are paid on the usual *zabtee* produce such as sugarcane, tobacco, cotton, &c. I have not met in any instance, with a money rate at so much per *beegah* without reference to the produce grown; no village, for instance, in which a cultivator offers to till twenty acres at a particular amount of rent per acre, with liberty to grow any kind of produce he chooses.

54th. In some villages, particularly in those of the large talookdars, these proportions are generally converted into money at the current price of the market, fixed by estimate of the crops while standing. The nominal rates are comparatively higher than those of other villages, but they generally receive some abatement on account of *bood-na-bood* or damages to crops, &c. which is left to the discretion of the appraisers. This *kunkoot* or estimate, is carried on in a very objectionable way and the cultivator is frequently subjected to several petty annoyances, while the appraisers are examining his fields. If this estimate were conducted fairly, it would be an eligible mode of payment, but as it is usually carried into effect, severity on the one hand, and cunning on the other, may be reckoned its distinguishing features.

55th. I have not endeavoured in any instance to convert these *butaep* shares into money rates, for although they are highly destructive of all agricultural improvement, yet they are popular both with the cultivators and *malgoozars*; at present they suit the indolence and improvidence of the native character, and any compulsory change of this nature is of course to be deprecated. Should it be deemed advisable to introduce money rates generally, either for each kind of produce or soil, they might be calculated with great ease by the collectors during the currency of the present settlement. Before it expires, many years will elapse, and the *zemindars* will in the mean time have less reason for concealment. From a careful collation of facts in each *purgunah* for a series of years, it will not require

any extraordinary capacity to enable an officer to fix standard rates. The *purgunah* rates which exist at present are merely nominal, and usually so exorbitant that it would be ruinous and oppressive to act upon them.

VILLAGE EXPENSES.—56th. I have been very particular in recording the amount and mode of collection of village charges, and the names of the sharers who are entitled to profit by the surplus which remains after defraying all expenses. These, under former settlements, were scarcely ever referred to, and this indifference gave to the *malgoozars* and headmen ample opportunities of committing great fraud and injustice, upon the under sharers. Fines which had never been levied, and bribes which had never been given, were often falsely inserted in the *putwaries'* books, and the amount of these exactions was left entirely to the discretion of the managing proprietors. The whole of the sharers are now required to state for what particular charges they are not willing to be responsible.

57th. The method of collecting the sum varies considerably, though one system is usually found to prevail, with very slight distinction in one *purgunah* or other division of the country. In some villages, the *malgoozars* are alone subject to the impost, in others the whole body of sharers or only the tenants at will, sometimes the amount is distributed by each, sometimes from the produce of *singharas*, sometimes at a fixed rate per *maund* or *rupee*, but generally it is realized according to the methods which prevail in collecting the Government revenue. In some villages a considerable amount is realized on account of *mullea* or village expenses, and it will be found generally to vary with the character and caste of the proprietors: for instance, in the villages of *Goojurs*, it will commonly be found heavy, on account of their addiction to theft, exposing them to the liability of frequent penalties and journeys to the courts.

PUNCHAYETS.—58th. I had much reason to be pleased with the decisions of *punchayets*. They sift every question thoroughly, and generally give a true statement of the circumstances in every case. In no instance have I had occasion to dispute the point which they determined, and they have frequently given a clear exposition of some of the most complicated cases submitted to their judgment, which perhaps had been left undetermined for ten years and deferred to the period of settlement. One man, however, should not be too often selected as arbitrator, it is a pre-eminence which attracts the observation of designing men, and exposes him to temptations and corruption, which arbitrators themselves acknowledge to be difficult to withstand. One man, who had sat as arbitrator six times, confessed, that in two instances he had been offered large bribes for a favorable decision.

59th. The unreported cases were those most frequently submitted to arbitration;

cases of great intricacy and difficult adjustment. The issue of pottahs under old settlements, to every man according to hereditary right or other distinction, had raised up quarrels which had disturbed the internal economy of the villages, and exposed the Government revenue to serious detriment. One man contended for his proper right, the other asserted local usage, and these claims it became necessary to investigate and decide, a small proportion of my own cases were referred to arbitrators, my manner of holding all public proceedings in the open air, in the presence of the whole body of proprietors, prevented a man coming forward with a claim which perhaps might have puzzled a European officer, but would not have been mooted, or probably would have been laughed at in an assembly of his brethren. For this reason, the claims which were preferred were never frivolous, and were generally grounded upon justice.

**QANOONGOES.**—These officers are lamentably deficient in nearly every essential part of their duty. The object of their establishment appears to have been lost sight of in their other occupations. Had they been attentive and industrious, they might by this time have gleaned an extensive knowledge of important particulars, which would have served the purposes of the present settlement, and been eminently conducive to a correct appreciation of the capabilities of each village under their superintendence. One cause which may probably have tended to produce an erroneous impression regarding the nature of their duties, is the fact of their salaries being nearly the same in every instance. The Qanoongoe of twenty villages receives perhaps as large a remuneration as he who has the nominal superintendence of an hundred. The consequence is, that they have dwindled into mere mohurrirs attached to a *tchseeldaree*, busying themselves much more about collections, than the preparation of useful and trust-worthy records. I have endeavoured to introduce some reforms into the office, and have directed their attention to the objects of enquiry particularly pointed out in the regulations.

**PUTWARIES.**—Sufficient attention has not been devoted to the putwaries' office, and in many instances it has been altogether neglected. In the purgunnah of Baughput alone, consisting of 156 villages, there were on my arrival no less than 44 without putwaries. This defect has been remedied, and other measures have been taken for improving the administration of the office. Wherever good putwaries have been appointed, they have been effectual for all the purposes contemplated by their appointment. The rights of the tenantry have been protected by their intervention, and though they are sometimes naturally inclined to coalesce with the head proprietors, yet their opinion and documents are usually appealed to with confidence by both parties.

62nd. The prohibition in Regulation XII,

1817, against the appointment of one putwarry to two or more mouzas, has fortunately not been enforced: It is invariably the case that where one putwarry exists for many villages, he gives far more satisfaction and is always better informed than the accountant of only one village. There is another consideration which should not be overlooked. I mean the greater independence of character in these functionaries which is thus ensured by a comparative indifference to please individuals, the burden of maintenance also falls less heavy upon their constituents, when so many have to furnish their quota of remuneration.

63rd. The amount of this remuneration, whatever it may be, whether a portion of the produce or a fraction in every rupee collected, has been distinctly specified in the settlement proceedings. It is an item seldom included in the other village charges, and may be reckoned a sufficient compensation for the troubles of office. The attempt to interfere with the customary contribution of the villages and substitute a regular salary, would most probably have created misunderstanding, and rather injured than benefited the interests of the putwaries.

**RENT-FREE LANDS.**—64th. In my settlements I have not admitted as *maafee*, any lands but those actually registered according to law, or those to which a *bonâ fide* title has been made, only after registered land unoccupied by *lakhirajdars*, all nominal *maafee* unregistered, and all that held by *maafeedars* in excess of the amount registered—a large quantity of land, therefore, by the operation of this rule, must have been resumed; but I have reason to suppose that no dissatisfaction has been expressed in any instance.

65th. I did not consider it necessary to examine the title deeds of any registered land, they being more fitly postponed for future investigation. The Qanoongoes have given in a field register of the *maafee* entered in no. II, so that this new and accurate register of *maafee* will form an excellent basis for the enquiries to be hereafter made, and will be infinitely more trust-worthy than any which have yet been prepared.

**AGRICULTURAL CLASSES.**—66th. There is nothing particular to remark regarding the position of the agricultural classes in this district. They may be divided into *mokudums*, *momoosee*, and *paheekashis*; *mokudums* are found in the villages of rich *zemindars*, and have been selected by them to superintend the inferior cultivators. In villages without recorded *zemindars*, they are frequently descendants of the original stock of proprietors, and with them I have formed the settlement in such cases, instead of having recourse to farmers. The *paheekashis* are mere tenants at will, cultivating on favorable terms; and if they continue resident, their offspring is destined to become *momoosee* after the lapse of one or two generations.

67th. The momoosee cultivators are elsewhere called *khoodkasht*, which term is here applied very differently. They are of two kinds, those who by long residence have acquired a prescriptive title of occupancy, and those who connect themselves with some of the endless ramifications of the family tree. These latter have an heritable and transferable property in the soil, whereas the former have only a heritable privilege, if privilege it can be called, while the right of ousting unquestionably rests in the zemindars. That right, however, is never enforced, nor is likely to be, as long as a large portion of the country remains to be reclaimed, and there exists no scope for competition; nevertheless, during the ensuing twenty years, changes will occur in this respect, and as the interests and necessities of the zemindars will no more than the cultivation be permanent and stationary, it would be as well by some legislative enactment to provide against the contingency, and subject the exercise of this authority to some limitation and control.

Records.—68th. I have used my utmost endeavours to render my settlement records perfect and accurate, nearly all those found in the office for the unreported cases have been rejected and all others substituted which were prepared *de novo* under my own superintendence. I have rejected every thing that is fictitious, and I believe that what are now compiled are as correct as they can be, and may be relied on with confidence.

69th. The district officers, if left to themselves and not carefully superintended, give in the most anomalous records, and measure their own capacity by the number of infinite small parts into which they divide the rights of the proprietors, whatever the nature of the tenure. Bhyacharee, pateedaree, or zemindaree, they are not satisfied till they have raked up the genealogical tree, and apportioned the hereditary shares to the uttermost fraction of a renevansee, nearly all the register in the reported cases have been thus constructed, and these unnecessary labours appear to have been occasioned by a mistaken interpretation of regulation VII, 1822. But the error did not stop here, for the whole lands of the village were nominally partitioned amongst the proprietors according to their hereditary shares, and two parallel columns were added to show how much the land, which was in the possession of resident proprietors, exceeded or fell short of the amount to which they were entitled by the genealogical tree, implying that a sharer might be called upon to give up or be entitled to claim the excess or deficiency which was thus registered. This entry the Board of Revenue observed was objectionable and superfluous, because it was done apparently without the concurrence of the parties interested; and superfluous, because if the lands were subject to partition at the will of the proprietors, the specification of the biswa interest would have been a sufficient guide for the purpose.

70th. I have said above that the lands were

*nominally* divided, because no actual separation took place, except in a very few instances. Pottahs even were issued to men in foreign territories, specifying the amount due from them, and the quantity of land from which it was to be realized. It would have been absurd to suppose that these records were to be acted on;—they were not certainly recognized by the zemindars, who went on paying the revenue as it suited their own convenience, without being trammelled by the injudicious restrictions of the settlement proceedings. Had any zealous officer proceeded to adjust possession according to these statements, he would have created an extensive revolution of property, and, without doubt, have endangered the Government revenue. As it is, where some turbulent spirits have wished to act upon the settlement record, and have forced it partially into operation, claims have been raised, which have occasioned animosities, disturbed the peace of communities, and left recollections which are likely to embitter future hostilities.

71st. This genealogical record, however, has zealous advocates, and it has been argued that its preparation enables the Judge or Collector to decide in an instant upon each man's right, and that it is very useful for future exigencies. This may be all very true, but it must be allowed, that at the same time it causes hundreds of claims to be contested; and that if it is so important a document for the adjustment of legal rights, the Court may have it drawn out whenever they may consider it requisite; whereas now, its existence only raises claims for litigation, instead of settling them when they are litigated. Another material point has been overlooked, namely, its incompatibility with the law of Hindoo inheritance. No regard has been paid to the difference between the severalty and coparcenary, to lineal descent or survivorship. Even the son's interest in many cases has been separated from the father's, and while it can only be inchoate and contingent, has thus been made absolute and unconditional.

72nd. One grand error in the settlement record, and by no means confined to this district, appears to be the necessity which officers have voluntarily assumed, of dividing some how or other every mouza into 20 biswas, and have thought their records incomplete, until this primary object was attained. I have known in this way many zemindaree and putteedaree villages, in which back rates prevailed amongst the proprietors, the whole village being held undivided and responsible for revenue balances, divided upon the biswadaree interest, although a proprietor could only alienate his right to cultivate a certain quantity of land at a back rate.

73rd. In a village divided off into distinct puttees which are henceforward to be considered as forming the sole right of any number of sharers, there is no necessity to mention what the biswadaree portion of that puttee

was before separation. It may have been probably a 5 biswas share, and yet perhaps for some reasons or other it contains not more than one-eighth of the village lands. It is manifest that to continue to call this portion a 5 biswas share is, to say the least, inconsistent, and may lead to the inference that although the parties are actually in possession of only one-eighth, yet whenever they choose they may claim a repartition, and take one-fourth. It does sometimes happen in a village divided into pottées, that notwithstanding parties can never claim any more than they actually possess, nevertheless, the biswadaree division is continued at the rate at which fines or rewards are apportioned, village charges defrayed, or malikana distributed in the event of recusance. In these cases, of course, it is necessary to mention these liabilities to distinction, so as to prevent any future misunderstanding.

74th. If there must of necessity be a biswa division, it would be far preferable to divide each portion into 20 biswas, to be subdivided again thereafter as choice or necessity may dictate: thus the manifest contradictions which adhere to the other plan would be obviated; and this has already been the origin of several mouzas in the district. Malikpoor Ginlee, for instance, in Hawpoor, was not long ago a small biswa portion of another village, and both that and the village from which it was thrown off, consist now of 20 biswas each. At the same time, circumstances may occur to join two distinct villages into one of 20 biswas; as in mouza Deerkhola, of the same purgunah, in which a contradictory decision was come to by the Civil Court. One party claiming his share according to the 20 biswa and the other according to the 40 biswa division.

75th. I have not issued any pottahs whatever, nor were any ever applied for. The statement called the *teerij* is quite sufficient for preserving the right of the cultivators and inferior tenantry, and for showing the liabilities to which their occupancies are subjected. It exhibits the extent of each field, and the money rates or the proportion of produce which the occupant cultivator has to pay. Engagements are taken from the managing zemindars not to alter these rates without six months previous notice in the *tehsildar's* kutcherry, and they have been informed that any suits referred for sums calculated upon enhanced rates, and not previously registered, will subject the claim to summary rejection with costs.

76th. In undivided zemindaree villages, engagements have been taken from the body of proprietors to refer to arbitration, disputes which may hereafter arise regarding separation of interest, before any claim is put forward in the Civil Court; and in pottעדaree villages, in case of any pottée being abandoned, or of a pottעדar dying without heirs, that

the whole community will be responsible for procuring the cultivation of it and paying the assessment.

77th. Of all the records the *khushreh* and the field map are the most important, and form indeed the basis upon which all the rest are prepared. I have heard that some Collectors have given it as their opinion that these are almost useless documents. It is difficult to conceive what could have given rise to this sentiment, for in every point of view they are conducive, and indeed, necessary, to a correct knowledge of the rights and liabilities of every proprietor or peasant connected with the land. The Dewanee Adawlut can appeal to them for the transfer of any man's right, and point out even the particular fields in the map in which it is proposed for alienation, instead of decreeing, as has frequently been the cause, lands which never existed, and rights which are found only on a *rubukaree*.

78th. The *khushreh* is now merely of secondary importance for the purpose of fixing the assessment, but is the only basis upon which the rights of the inferior tenantry can be recorded and protected. The careful ascertainment and registry of these rights is one of the most important objects of this settlement, and by abolishing the *khushreh*, they would become almost as vague and uncertain as they were twenty years ago.

79th. In some of the settlement forms which I have seen, this hostility to the *khushreh* has been carried so far that it has been rejected entirely, and the professional returns substituted in forms nos. II and III as well as no. IV. First of all, the cultivated area, according to the survey map, is assumed, and this again by some peculiar process is divided into the several species of soil. This of course must be merely a conjectural estimate, and no fault can be found with it, except it gives an appearance of accuracy to that which must necessarily be inaccurate. But where this area is, in the statement of rights, divided amongst the *biswadars* exactly according to their fractional share, where, for instance, 20 sharers, each with 1 biswa, are recorded as possessing 100 begahs 5 *biswansees* and 6 *cutewansees* each, I must confess that it surpasses my comprehension, and seems to be a fatal recurrence of the *hissa* *thushee* fallacy so much reprobated by the Board, and to require a kind of micrometrical genius for its adjustment, which is rarely to be met with amongst ordinary men.

80th. Surely it would be more just, more true, and more rational, to enter in the record the land, which according to the *khushreh* measurement, is found in each man's possession, than by an erroneous system of registry, and simply upon the principles of abstract justice, thus to declare him proprietor of more or less than he has, and of which he never will, and never can, be possessed. If this



spurious kind of entry is deemed sufficient, every one of my records should be rejected as altogether wrong, and the khushreh may certainly be dispensed with as a useless and absurd document; but until it is, I trust, I shall be excused for registering that which I find to be in actual existence at the time of settlement, and by which the village communities feel every inclination to abide.

**CONCLUDING REMARKS.**—81st. Having thus confined within as narrow limits as possible, all that I consider necessary to say in this report, I cannot conclude without expressing a wish that what has been done will give you entire satisfaction. I believe I may safely appeal to you for a confirmation of the fact, that the people are well contented with the present settlement. I may have failed in the manner of execution, but there can be no doubt that the instructions issued by the Board of Revenue in their circular no. 40, regarding this settlement, are calculated to secure the most important results.

82nd. The rapidity with which the settlements are made, the judicial decisions, the careful ascertainment of rights, from those of the highest talookdar to those of the meanest cultivator. The abolition of multifarious accounts, the entire exclusion of unnecessary details, the accuracy of the measurement, the little scope afforded for corruption, the final demarkation of boundaries, all point this out as eminently superior to any preceding settlement. I have frequently wandered through the mazes of regulation VII roobukaries, without being able to gain the really useful information which is recorded in the present settlement. In them there is abundance of detail, ream upon ream of paper, probably ten different kinds of soil, an accurate census of buffaloes and bullocks, specification of Mussallmen and Hindoos, pukka houses and cutcha houses, fanciful classifications with still more fanciful rates; but seldom or never a register of right without being overloaded with fictions and absurdities. So much was required from the Collector, such an infinity of minute particulars, and such a nicety of calculations were enjoined, that it was utterly impossible for him to superintend the whole; and consequently the preparation of the papers was consigned to the moolsudies and district officers, who exercised their sagacity in adding columns to the statements which had too many columns already, and in devising new and ingenious schemes of confusion and intricacy.

83rd. It is only in the matter of registry that the present system is good; the general adoption of the professional survey forms a marked feature of this settlement. Instead of being guided by native mensuration, conducted and drawn out unmethodically, the Collector has before him maps prepared on scientific principles, and beyond even the suspicion of inaccuracy. All these advantages are gained, I believe, at less outlay than attended the cumbrous

machinery of Regulation VII. It may be argued that the increase of revenue is not commensurate with the expense of the establishment; but even supposing that a positive decrease were the result of the survey, still it can never be weighed in the same scale with the confidence it generates in the calculations of the Collector, and the uniformity of assessment which he is thus able to effect.

84th. There is another very important particular in which I think this settlement will be found to have exceeded the most sanguine anticipations; from the correspondence which took place between Government and the Sudder Board, towards the close of 1832, it appears that the object was to get rid of the settlement any how, and leave all disputed cases for future adjudication. But it is so difficult to settle responsibilities without settling rights also, that very few cases are left in which any claim whatever can be raised. This will have the effect of diminishing the duties of the Civil Courts, and withdrawing from it those cases which were avowedly the most difficult to decide. The Collector also can adjudge all summary suits which may be filed without summoning a single witness but the putwaree.

85th. That the district of Meerut has been at least lightly assessed, I have every reason to believe and hope, notwithstanding the increase of 17,000 rupees. In proof of which, it may be asserted, that only 4 villages have been let in farm, and out of these two, not from the recusance of zemindars, but from their incapacity to manage their own estates. Besides which I have met with only one instance in which leases have been given by the zemindars to avoid the difficulties arising from fluctuation of seasons. In some of the neighbouring districts this practice of giving kutkinas to merchants and other influential individuals, prevails extensively, and would seem to indicate severe assessment.

86th. During next season's operation, should I find any reason to change my opinion on any of the points now discussed, I will endeavour to embody them in another report, and in the mean time trust that this will be sufficient to explain the grounds upon which my settlement is based, and the views with which I have been actuated. As you urged the propriety of my writing a general report, I felt myself bound to prepare one, and send it up with all its deficiencies; but I had wished to reserve it till the settlement of the whole district could have been advanced with more confidence, and in higher state of maturity.

I have, &c.

H. ELLIOT.

Agra Ukhar.]

## THE CONNECTION OF INDIA AND BRITAIN PROFITABLE TO INDIA.

That after the "times and seasons" which have passed over India in the lapse of nearly forty centuries, Divine Providence should, in the nineteenth century of the Christian era, unite it with Britain by an identity of interests scarcely paralleled in modern or ancient history, may well excite our astonishment. India while famed for its riches from the earliest ages, has never been able to maintain its own independence. If we discard the accounts handed down by tradition of its invasion by Semiramis, and Liber or Bacchus; and by the Chinese from the East, as recorded in their annals, we are still quite certain that for the last twenty-four centuries, i. e. from the age of Darius to the present day, India has been more or less in subjection to some foreign power. And now, after its retention by the Moosulman power for above seven centuries, and its being successively attempted by the Portuguese, the Hollanders, and the arms of France, Divine Providence, frustrating all these plans, has placed it within the guardianship of Britain, as fully as a rich but weak and improvident heir, has been at any time placed under the tutelage of an able and beneficent guardian. This, when we consider the distance intervening between India and our island in the western seas, might well be deemed surprising, had it been an object to the accomplishment of which Britain had even directed all her energies. But it is notorious that she has not done this; nay, that her legislature has forbidden it almost from its first knowledge of the connection subsisting: all that the British Parliament could effect by its repeatedly resolving, that India ought not to be conquered, that it was against the very interests of Britain to extend her dominions there, has been attempted by her in order to prevent the junction of the Great Mogul's empire with Britain. Thus the empire of Jhangeer, to whose court of Delhi-Sir Thomas Roe was sent as ambassador two hundred and twenty years ago, with scarcely the hope of obtaining a few slight mercantile favours, by dint of the most earnest prayers and the most skilful and circum-spect management, has been transferred to Britain without her own endeavours, and against her declared wish. That the King of Great Britain should thus become the rightful sovereign of an empire at least thrice as large and containing thrice as many subjects as his empire of Great Britain and Ireland, with all their dependencies, without design on the part of himself or his royal predecessors, and against the often declared will of his people,—of a country, too, famed from the earliest ages for being the richest on earth, is a phenomenon not to be paralleled in the history of mankind.

Here some of our readers may possibly reply with a spice of genuine British spleen:

"And granting all this, who is the better for this vast and far-famed acquisition? Did Britain derive any real profit from her connection with India, it might be worth while to hold it up to view. But what does India profit Britain? what has Britain derived from this connection, besides care and vexation? What real gain does India bring to Britain even at the present time, in return for the past labours of her legislature, and the exertions of Cornwallis, and the Marquess of Hastings, and Arthur Wellesley, and a multitude of inferior worthies in the field?" It is to the consideration of this very point that we wish to bring our readers.

From a Memorial drawn up for the Honourable the Court of Directors by the Merchants in Calcutta, only a few days ago, we learn that the average annual amount of private mercantile transactions in the three years ending in 1832, between Great Britain and India, including Ceylon as well as Calcutta, Madras, and Bombay, was fully six millions two hundred and thirty-three thousand pounds sterling; that the Honourable Company's trade in that period amounted to one million nine hundred and seventeen thousand pounds sterling, exclusive of that to Bombay which is described as unknown to the memorialists; and that the trade of China with Great Britain, dependent on India for early communication six months out of the twelve, (and they might have added for something more than mere communication,) amount in value to between five and six millions sterling. Thus we have mercantile transactions between Great Britain and India, including the countries which India holds open for the purposes of commerce, to the amount of

£6,233,735 through private channels,  
£1,917,753 through the Hon. Company,  
£5,500,000 through China;

£13,651,488;

making a total of nearly fourteen millions, without Bombay, and, including it, of scarcely less than fifteen millions sterling, as the fruit of this connection between the empire of Aurungzeeb and Britain. When we consider that the mercantile transactions of Great Britain with the whole globe, including the twenty-four United States of America, and her own colonies there, (now more productive to her than the whole of North America before the revolution of 1783) amounted last year to little more than *sixty million*, and in 1832 was valued at about fifty-five millions, who will say that mercantile transactions equal to a *fourth* of her dealings with the whole habitable globe, are of no value to Great Britain? Whence her ability to defray the interest of her national debt from year to

year, in addition to the expenses of her Government, but from her commerce? And is her commerce even now so superabundant that she could afford to part with a full fourth of it? Let the distress felt for lack of employment almost throughout Britain answer this; or even the difficulty she feels in giving up the taxes upon knowledge, for want of a substitute consisting—not of two millions which the various taxes on a fourth of her commerce most certainly produce, but of twice forty thousand pounds, at once decide this question. Where then must be the eyes of those, whether they be in Britain or India, who feel such an indifference to the letters and orders indispensable to such an amount of commerce, getting home in *two months* by steam—or their being *six months* coming round the Cape in the old routine of sailing? We have so much more to add to the credit side of this connection between Britain and the “Empire of Indostan,” that we fear to trust ourselves with it farther, lest the patience of our readers should quite run mad, after having already undergone so tremendous a trial.

We have observed above on the connection between Britain and India, that this connection has issued in a degree of commerce which forms a *full fourth-part* of Britain's mercantile transactions with the whole globe, and enquired whether she were even now, in a state which could permit her to regard a *fourth-part* of her commerce with indifference. It is possible, however, that some may object, that “commerce is not *clear gain*; it is exchanging a *quid pro quo*, a giving of one article for another of at least equal value to the receiver, and if it be not, in some way, of *superior value*, all inducement to the exchange is lost.” This is true; and we do not say that *India is a loser* by her commerce with Britain. We are indeed convinced that when she gives up her produce, say her indigo for example, (we hope soon to add *her sugars*.) for the silver or the gold of Britain, she not only accounts herself a gainer, but she is so in reality; while the manufacturer of Britain's superfine woollen cloths, feels that he also is a real gainer in obtaining that beautiful dye at so reasonable a price.

In proceeding with the *credit side* of India, however, we now come to facts which Britain's commerce with America, (the only portion of her commerce which can vie with that of India,) does not furnish. Britain's commerce with America does not furnish her with a single shilling for which Britain does not give some article deemed a full equivalent; but does Britain receive nothing from India for which she gives no one article of commerce in exchange? What shall we say then to the *six hundred and fifty thousand pounds sterling*, which India sends home annually to pay the dividends on India Stock? What does she receive by way of exchange for this sum? It may be replied; “This is the interest of the sum which was sunk in conquering her.” Granted; but has every conquering country in all ages

been so happy as to receive full interest; (we will not say at *ten and a half per cent.* but) even at the rate of *five per cent.* for the money expended by it in its conquests? Has Britain been thus happy in any other instance? Her wars in Europe from 1792 to 1815 were not twenty-three years of *defeat*. Does she now receive *five* or even *two per cent.* on the many hundred millions of treasure then expended? of debt incurred in these twenty-three years of warfare? Yet for all the sums she has sunk in her Indian battles from that of Plassey to the last in the Pindaree war, a period of full sixty years, India is now paying interest to Britain at the rate of *ten and a half per cent.* Does Britain then derive *no profit* from her connection with India? Would it be no profit for the Honourable Company to have conducted war for sixty years, at a distance of fifteen thousand miles from Britain, without losing a shilling of their capital subscribed for the purposes of trade, even were the interest now valued at the rate of *five* or even *four per cent.*? But when this capital thus sunk in war, or building forts and providing military stores, is repaid by an interest of *ten and a half per cent.*, while the sums lent on the national faith of Britain, bear an interest scarcely exceeding *four*; who will deny that the connection of Britain with India is profitable to her? One might be almost tempted to ask, since this high interest, obtainable in no other case, will repay the principal itself within *nine or ten years*, whether it be consistent with strict equity that this vast sum, received annually as interest, should be received for ever?

Still we have something more to add to the credit side of Britain in the shape of *solid profit*. What does India receive as articles of exchange, for the *fifteen hundred thousand pounds sterling* which she sends home from year to year to defray the expenses of the home establishment in Leaden-hall Street? Does she receive a single article of commerce in return for this sum, beside a few military stores, applicable to neither food nor clothing? It may perhaps be said that she receives what is superior in value to articles of commerce, she receives from time to time wise regulations and salutary laws. We grant this for the sake of argument; but still this is profitable to Britain. Are not these regulations and laws, as really the *product* of the united intellect of the twenty-four, as the various articles of commerce sent to India are the product of the skill and labour of Birmingham, or Glasgow, or Manchester? And does any cost of the nature of *raw material* enter into this *mental product*? Is not this intellectual fruit arising from a few of her sons sitting constantly “in close divan” from time to time, as really clear gain to Britain, as the product of the skill and labour of her sons at Glasgow or Manchester? And does not this advantage attend this *intellectual* product of her gifted sons, beyond that arising from her *manual* operations, that the latter involves a considerable outlay for raw material, while the mental product of Leadenhall Street involves

nothing of the kind, unless the few hogsheads of claret and champagne, necessary from year to year to recruit the animal spirits wasted by perpetual consultation, may come under this description. But if these fifteen hundred thousand pounds' worth of salutary law and important regulation, (whether equal to, or far transcending in value, the sum thus sent home in return from year to year, is a matter too far above our poor capacity for us to decide,) be as clearly the product of Britain, as the quantity of *beer* which arrives in India from year to year, the capacity for originating it, would be of little avail to Britain were there not a demand for this intellectual article; and this demand clearly springs from the connection of India with Britain. When to a sum exceeding two millions sterling annually, thus sent to Britain by India, without a single rupee in the shape of an article applicable to food or clothing being received in return, is added the profit arising from mercantile transactions to the amount of fifteen millions sterling, who will deny that the connection of Britain with India is profitable to our own mother country?

We have to mention, however, another source of *clear profit* presented to Britain by India, which we have not as yet seen noticed by any writer on Indian affairs. Those acquainted with the present state of Britain are aware, that her educated classes, while they form the glory of Britain and the mental and moral wealth of Europe, are constantly increasing in number. We term them the *moral* wealth of Europe, (though not to the exclusion of those of other countries,) for although *virtue* of the highest kind does not always accompany *knowledge*, it is still less often found in the abodes of ignorance. But while these generous minds (the real nobles of Britain,) ardent in pursuit of knowledge and virtue, are panting for a sphere of action capable of unfolding their energies, they feel that this sphere is not widening in Britain proportionably to the increase of their number. Here India, in the course of Divine providence, opportunely steps forward to the aid of Britain, and with her hundred millions of inhabitants presents a sphere of action connected with useful, happy life, furnished, as yet, by no other country upon earth. Every department in India, from the highest to that just rising above manual labour, is thrown open to the well-informed, virtuous, energetic British mind, from the rule of her provinces and kingdoms, to the management of her commerce and the improvement of her natural productions. Nor is it merely a fact that these may all be filled by the ardent votaries of knowledge and virtue from Britain? it is no less a fact that this is in the *highest degree advantageous to India*; for from her own indigenous resources such supplies if men would, in the present generation, be sought in vain, whatever knowledge may achieve for her sons in the next. Still if India reaps benefit beyond what she herself has ever yet realized, from the management of her most important affairs being in the hands

—not of the Moosulman sovereigns and their favourite minions, who formerly ruled over her, but of well-educated Britons responsible for their conduct here to their native land, where, among other things, they have to expect as the fruit of their conduct here, the smile or the frown of relatives in Britain, dear to them as life itself, the advantage accruing to Britain from this extensive sphere of action being open to her sons as they rise up into life, is by no means small, regarded even in a *pecuniary point of view*. These natives of Britain, when they feel the climate oppressive to their children, naturally send them home for education, and in many instances the tender mother either accompanies or follows the children, to secure justice being done to them in their own country. These must of course be supported at home; and a sufficient portion of the salary of gentlemen in the highest stations, both civil and military, must be sent home annually, to meet the wants of their families there. How much this may amount to annually from gentlemen throughout the whole of India, filling stations in civil government, in the army, in the law, and in numerous and increasing departments of commerce, it is not easy even to form a rough estimate. *But all this is CLEAR GAIN to Britain*. It is expended on her own produce and her article of manufacture at home; and she gives India no equivalent in return, beyond what is contained in the health and the mental and moral improvement of those dear to her European agents.

In addition to this, it also follows, that in the course of years, these sons of Britain, after having devoted to India the prime of their health, and the full strength of their intellectual powers, sometimes return to their native land with a competence, the hard-earned meed of twenty, thirty, forty years of labour. We say that this *sometimes* happens; but it happens much seldomer than most imagine. We recollect that a calculation made in our hearing about thirty years ago, ended in the declaration that, of *twenty* Europeans who came to India with the hope of returning home possessed of wealth, not more than *three* ever realized their object: and when we recall to mind the changes and times which the last ten years have caused to pass over Europeans in India, we are ready to deem this estimate too high, and to conclude that *two* out of the *twenty* who came out to seek wealth in India, is the highest number which, on the average, realize their object after the most strenuous exertions. But if even two out of twenty Europeans return home with a competence, this adds *something more* to the *clear profit* derived by Britain from India. And is it too much to estimate the sum constantly remitted home to support their families by gentlemen filling every station in all parts of India at *one million* sterling? and the sums taken home from the three presidencies, and from China, as the fruit of labour in the highest, the most arduous, the most important departments of public or private life, at *another million* sterling? If this estimate be accurate,

however, we have on the credit side of Britain, arising from her connection with India, in addition to the profits arising from mercantile transactions to the amount of fifteen millions, (one-fourth of Britain's traffic with the whole globe) a clear profit of *four millions sterling*, annually accruing to Britain from dividends on stock and the home establishment, and the natural operation of what are generally deemed the finest and noblest principles of the human mind on her sons employed in administering the affairs and giving life to the commerce of a hundred millions of people in and around our Indian empire. Of what vast importance then is India to Britain! Was any country mentioned in modern or ancient history ever found equally profitable to another? Where must then be the eyes of those in our British Councils at home, who hesitate about placing the produce of India on a level with that of the West India Islands? What name shall we find sufficiently strong to designate the *folly* of those *would-be* statesmen, who are afraid the communication between Britain and India will become too easy and too frequent?

From the statements made relative to the profit which Britain derives from India, some may be ready to imagine, that India is exceedingly impoverished by this connection, and that the profit lies wholly on the side of Britain. We pledge ourselves to shew, however, that *this is not the case*; that if the connection between the two countries be profitable to Britain, it is profitable to India in a far higher degree.

We have already shewn that the first item on the credit side of Britain arises from "mercantile transactions" with India to the amount of nearly fifteen millions sterling. And we ask here are not these "mercantile transactions" profitable to India as well as to Britain? From whence come the articles which form the *materiel* of these "mercantile transactions," but from the soil of India? These fifteen millions sterling do not consist of the gold, the silver, the precious stones, washed from the mountains or dug from the mines of India, and thence carried to Britain, like the gold and silver drawn from Mexico or Peru, which for nearly three centuries enriched, or rather *impoverished* the mother country, Spain. So far is this from being the case that, possibly all the gold and silver found in India, added to the pearls of Ceylon, and the diamonds of Golconda, would scarcely amount from year to year, to a *tenth part* of these fifteen millions. Now if this be the real fact, the other *nine parts* must be raised from the *soil* of India; and can this be done from year to year without finding employment to this amount for her peasantry, her herders, and her merchants? This would be important to the welfare of any country whatever; but it is particularly so to India, since the improved state of manufactures in Europe through the introduction of machinery into the fabrication of cottons, has completely changed the stream of Indian commerce with regard to her muslins, so famous in former

ages. A little reflection, indeed, may suffice to convince us, that the invention of machinery, whenever it might happen in Europe, would as surely diminish, if not altogether destroy, the demand in the European world for India's beautiful hand-wrought fabrics, as the discovery of the passage round the Cape of Good Hope effectually ruined the trade and the importance of Venice. Is it then of no value to India that when her delicate muslins, so long the admiration of the European as well as the Asiatic world, ceased through the force of modern improvement, to become her staple of commerce, India should still be rendered capable of sustaining by means of her *natural productions*, "mercantile transactions" equal to the annual value of fifteen millions sterling? an amount which in point of value her most delicate muslins, her cloth of gold and her exquisitely wrought jewellery, could never reach, in her most palmy days of ancient times. Should it be objected, that a large portion of these "mercantile transactions" lies either in silver or in valuable articles received from China, we enquire in return, how India obtains these articles from China. She does not obtain them in exchange for the gold, the silver, the precious stones washed down from her mountains, or dug out of her mines, but in exchange for her own manufactures and produce. Nay, singular to relate, one of these articles of produce, her *opium*, is so little esteemed by her own sons, that they almost wonder how the Chinese can contentedly give millions sterling from year to year for a drug which they themselves regard as scarcely above contempt. But these manufactures and these articles of produce give employment and abundant food to her peasantry, her native traders, and even to her merchants. Who then will deny, that if the commerce of India be profitable to Britain, it is *far more profitable to herself*? that if it constitute a *fourth part* of the commerce of Britain with the whole world, it forms by far the *greater part* of her own commerce with both the eastern and the western world? Thus far then wisdom and benignity of Divine Providence conspicuously shine, in rendering this connection between India and Britain *reciprocally* profitable, it is true, but still *MORE PROFITABLE to India than it can be to Britain*.

Some, however, although constrained to allow this to be fact as far as may relate to the "mercantile transactions" arising from this connection, may possibly reply. "Granting all this, what will you say to the *six hundred and fifty thousand pounds* sterling remitted home from year to year for the payment of the dividends; and to the *fifteen hundred thousand pounds* sterling sent thither to defray the expense of the home establishment? Nay, what can you say for the *two millions* sterling remitted home to support and educate the families of her European functionaries, and as the hard-earned meed of a life expended to the very dregs in the service of India? Since you have already shewn that for these four millions, India receives nothing in return in the shape of either food or clothing; the

whole must be a dead loss to her from year to year." We reply, to this, that while we are not called upon at present to discuss the justice or the injustice of the two first of these items, we will at once affirm, that if India ceased to remit those four millions sterling to Britain even the very next year, *it would be her own entire ruin*; and that this aggregate sum, viewed as the price of her connection with Britain, is the best expended of any sum she has ever drawn from her soil within the last two thousand years. View the present administration of affairs throughout India. Has she not in return for this sum, the service, of possibly *four thousand* of the best-educated men on earth, to manage her highest as well as her lowest political affairs, to rule her different provinces, to preside in her courts of justice, to defend her alike from internal commotion and foreign invasion, to watch over disease in all its stages in every province of India, to stimulate her mercantile transaction, and even to improve the products of her soil? To say nothing of her military and political affairs, what would even the products of her soil amount to, unaided by European talent, energy, and perseverance? It is not her own sons who have brought her indigo to its present state of perfection. What is indigo in the hands of *native planters*? With land, and capital, and ryots, and labourers perfectly at their command, what estimation does the indigo of the native planter bear in the Europe market? If these be undeniable facts, let any one say for what sum could India furnish herself *from among her own sons* with four thousand functionaries, equally well-educated, equally upright, energetic, capable of being entrusted with the highest affairs of her government, as well as the lowest, with the rule of her provinces and kingdoms, as well as with the improvement of the product of her soil? Why is it that India is now in a state of perfect peace? Why do not the Upper Provinces invade and ravage the Southern? Why do not both unite to invade and pillage Bengal, the garden of India, the richest and the most helpless of all the provinces of India? *It is because India is connected with Britain*, and her affairs of every kind are administered by some thousands of Britain's sons, amenable to the laws of honour, of conscience, of an All-seeing God with whom "is no respect of persons," who "searcheth all hearts, and understandeth all the imaginations of the thoughts," and who *will in no wise clear the guilty*?

But what is the value of four millions sterling to India, we may ask, compared with the value to her of such a body of European functionaries? Yea, if the expense of the Supreme Government of India which administers her highest affairs, be compared, we will not say with the expenditure of the Court of Delhi in the days of Aurungzeb or Akbar, but with that of the Court of Suraja Dowla at Moorsheadabad, it will sink into almost nothing. Were the supreme affairs of any Eastern government extending over even a *tenth*

of the territory now included in British India, ever administered for so small a sum as that which covers the salaries of the Governor-General, his Council, and the various Secretaries of Government? What, indeed, is the salary allotted by Britain, sovereign as she is throughout India, to those intrusted with the supreme power here, if compared with the income of even one of the *native nobles* of India, for example the present Raja of Burdwan, with his three hundred thousand pounds sterling of annual revenue? If it be a fact that the annual income of Aurungzeb exceeded thirty crores of rupees, (say, thirty millions sterling;) surely less than a seventh of that sum, four millions sterling, would scarcely be expended in the splendour of the imperial court, or dissipated in largesses among the imperial favourites. Yet this sum now obtains for India *four thousand* such administrators of her affairs, political, military, civil, and commercial, as India never yet produced, since she became a nation. And what would be the result to India the very next year, were Britain to withdraw all her sons from her shores? What, but her utter ruin? Would a year elapse before Bengal with its wealthy natives, rich and defenceless as she is, would become as completely a prey to some of her indigent and warlike neighbour-provinces, as a helpless kid who might fall into the clutches of a tiger? Who then can deny that the connection formed by Divine Providence between India and Great Britain, almost against the will of our own legislature, is *MORE BENEFICIAL TO INDIA* than it can possibly be to *Britain herself*?

We now behold, however, only the *beginning* of those benefits likely to result to India from her connection with Britain. The hope of India's becoming one day as enlightened as Britain herself, rests wholly on the *continued* connection of India with Britain. Were Britain to withdraw from this connection, is there any hope that India, with all her present Schools and Colleges, would advance a single step farther in the march of improvement? Further, if we be really the "Friends of India," we cannot be dead to the hope that India will one day free herself from that yoke of idolatry and moral degradation, which in the course of three thousand years, has pervaded all ranks of society, and corrupted it even to the very core. What can we suppose to be the design of the Supreme Governor of the Universe, in thus selecting Britain from all the nations of the earth, as the guardian power to which he chose to unite her almost against the wish of Britain herself? Can it be less than ultimately to render India happy in fearing Him, in obeying his beneficent laws, in embracing his blessed Gospel, which, in the three last centuries has raised Britain to her present palmy state, towering as she now does above all the nations of the earth? We do not mean that Britain should ever *command* India, in the most remote degree, to forsake her own idolatrous system. Such a command would be as useless as it would be unjust; for when did coercion ever bring

the mind of a single individual to delight in God and his salvation? and without this, religion is worse than a mere name, it becomes a cloak for the basest hypocrisy. But did he not intend that she should allure and persuade India to embrace "the Saviour of the World," by shewing her to what a pitch of happiness and mental greatness this has raised Britain herself?

As Friends of India we must now be permitted to address a few words to our countrymen of every grade who are residing in India; and to ask them, is it not important to the welfare of India, that you yourselves should stand quite aloof from that idolatry which has destroyed her happiness? Should you turn upon us displeased, and ask which of her idolatrous deities have we ever worshipped? our reply would be, that while we do not suspect one of our countrymen of this, we fear that we have all of us manifested in our general conduct too great an attachment to the God worshipped by the natives throughout India, beyond all others, far beyond Shiva or Juggunnath or Doorga, nay, one for whose sake it is shrewdly suspected that their priests at least, worship these popular deities themselves. Would you know the name of this deity? It is in plain English "RUPEES." Let us ask ourselves what the natives can think of the religion of Christ, when they perceive us bowing down to their supreme deity, MONEY, with as much devotion as they. We do not mean to say that in this our countrymen here go beyond those left at home. It is more than suspected that this is the foul taint which vitiates Christianity both in Britain and America at the present day. Yet "the covetous man is an idolater," who "hath no inheritance in the kingdom of Christ and of God," whether he be found in Benares, in Boston, or in London. That the love of money is the root of all evil, we cannot be ignorant. We are certain there are multitudes in India as well as in Britain and America, who have "escaped the corruption that is in the world" through this vile love of money. Still the natives, who know nothing of a change of heart, can judge only from what they see. And when the natives of India, who do not attempt to conceal their attachment to this god, see European society, even

in this metropolis, agitated, and almost convulsed to its centre, by an additional five hundred, or possibly three hundred rupees monthly, held out in the way of increased income, as we have unhappily witnessed in the last few months, what can they think? Were it actual want which creates this mental combustion in European society, the case might admit of some excuse, "for men do not despise a thief, if he steal to satisfy his soul when he is hungry." But this is not the case; those who thus reach forth after a small addition to their income, with an avidity almost obliterating all the ties of friendship, have in reality *quite enough to supply all their wants already*, if they would but set bounds to their desires after more. And to a native what will avail all our professions of supreme love to "the Saviour of the World," when every Hindoo who witnesses our conduct at once affirms, "These votaries of the boasted Saviour of the World, worship *gold* as much as we do, and will sacrifice every thing to obtain it?" This is not true; we are certain, that love of money, which unhappily appears on the general face of *Christian* society, will seldom urge our countrymen to any thing dishonest or mean; (we wish we could say, *never*;) but the natives are not aware that our love of money is thus bounded;—and how can we demonstrate to them the All-sufficient Excellence of that Saviour we wish them to receive, if instead of being "content with such things as he gives us," and trusting Him to give us more when he sees we really need it, in the use of the *most honourable means*, we strain every nerve, and almost tread down every one we fancy in our way, in our endeavours to obtain that which *we do not really need*? Will not the Fabricii and the Curii of antiquity, although heathens, who sacrificed the love of money to their love of the commonwealth, rise up against us the professed followers of Him, who, "though he was rich yet for our sakes became poor," while we thus harden the heathen around us in their idolatry, by *appearing* to worship the greatest of their idols ourselves! We will only add, that such was not the conduct of *one* of our countrymen whose memory the natives hold in almost boundless esteem: his name was CAREY.—*Friend of India.*

## NOTES ON INDIAN AFFAIRS.

### No. LVI.

#### ON THE POLICE.

I shall first endeavour to give a concise account of the police of India, as established by law, and then to describe its practical working, and the abuses and extortions which its officers are enabled to perpetrate.

Regulation XX of 1817 is the standard police law: it abolishes nearly all previous

enactments relating to the police, and enacts one uniform system; and only a very few of its provisions have been altered or rescinded by any subsequent Regulation. The summary is as follows:

Each district is parcelled into several subdivisions. The number of judicial districts

is forty-nine; of Collectorships, including Deputies with independent jurisdictions, sixty two, but as some of the Deputies who are independent in revenue concerns are not vested with police powers, the number of districts under charge of Magistrates is about fifty-five. This gives to each district an area of four thousand square miles: within this compass, there are, perhaps, taking one district with another, sixteen principal police stations, called thannahs. The jurisdiction of each of these will, therefore, on the average, extend over two hundred and fifty square miles; or a tract of land, nearly sixteen miles square, containing two hundred and fifty-three towns and villages, and a population of rather more than fifty-six thousand.

The constitution of a police station is usually as follows:—One darogah or thannadar, whose office nearly assimilates with that of the inspector, in the police now established in London; one writer, one jemadar or sergeant, with perhaps twelve burkundazes or armed constables. Some have more, some less; but the above is about the average. Some stations have out-posts; one, two, or more, attached to them, consisting of a sergeant and three or four constables, or of two or three of the latter alone. Along the high roads where robberies are frequent, these guard houses or chokies are posted every two miles to patrol the roads. In most districts in the upper provinces, a proportion of horse-men are entertained, varying in numbers from fifteen to fifty, these are stationed at different points to patrol the roads, and prevent highway robberies.

The police officers are supplied with such regulations of Government as relate to their departments; and with books for diaries, in which are to be entered apprehension of offenders; information of robberies, thefts and other crimes; all orders received from the magistrate, and in short every thing connected with the business of police.

They are also to keep a list of all the villages within their jurisdiction and of all the village watchmen: a monthly report of all offences, being in fact a copy of the diary, is to be sent to the magistrate. Under this head are detailed rules for the transmission of these documents; the summary of which are that where the police stations are on the line of the government post, they are to make use of that conveyance. In other cases, the landholders are to be obliged to establish a post at their own expense, to convey the police reports, under penalty of fine or imprisonment, Reg. V. 1817. Sect. 9, cl. 4 and 5. Besides this, the occurrence of every crime of magnitude or which the police are authorized to investigate, is especially reported to the magistrate, whether the perpetrators be apprehended or not.

The crimes of which the police are authorized of their own accord to take notice, are murder, gang robbery, high-way robbery, theft, and burglary only if attempted with wounding or any aggravated circumstances,

coinage, homicide, maiming, wounding, actual affray, or other minor offences not excepted in this Regulation. Formerly the police might make inquiries into all simple thefts and burglaries; but by Regulation II. of 1832, this was prohibited, unless the injured person gave a petition to that effect; or unless an order to prosecute the investigation be received from the magistrate.

On receipt of information of any one of the above crimes, the police (inspector, darogah or thannadar) is expected to proceed to the spot with his writer and several constables, to make every investigation possible, including a map of the spot and any particulars which may elucidate the case. The prosecutor or informer is to be examined on oath or solemn declaration. If the culprits can be apprehended at once, they, together with the prosecutor, witnesses, and the report of the case are all sent in to the magistrate: if the offenders be unknown or not to be found, an account of what has occurred is nevertheless forwarded to that officer. But previous to sending the parties to the magistrate, it is always the custom to take the evidence of prosecutor and witnesses, and the depositions of the prisoners at the police office. Should these confess the crime or make any partial admissions, the attestation of the police officers to these is not considered sufficient: it is therefore provided that in such cases, three or more respectable people of the village shall be present, and affix their signature in attestation, that the confession, which is to be written in the language of the prisoner, was free and voluntary; under this head are some additional minor provisions regarding taking confessions at night; the safe custody of prisoners; the use of stocks; when allowed, and when not; and a variety of others which it is needless to enumerate here.

The police inspector is expected to hold an inquest on all occasions of murder, homicide, wounding, and unnatural deaths. Here also follow many provisions regarding the enquiry to be made from the person himself, if only wounded; from the landholders, farmers, and neighbours; the wounds are to be accurately described, and finally a report is to be drawn up, distinguishing the verdict of murder, manslaughter, suicide, or accidental death, which report is to be transmitted to the magistrate. When the investigation is completed, the body may be given up to the friends of the deceased; or if he be a stranger, it is to be burnt or buried, according to the usages of the religious persuasion of the deceased. It need not be sent in to the magistrate except where the injury may appear of doubtful nature, or in cases of poison, in which case it must be examined by the surgeon. Such is the law, and it is a rational provision; but in practice orders have for some years been issued to send in to the magistrate for inspection, the bodies of all who have apparently died by unnatural means; and the want of arrangement for carrying this into effect, produces the scenes described in No. 25 of this series of papers.



The police officers are at liberty to search any house in which they have reason to believe stolen property is deposited: the zenans or women's apartments are not even exempt; notice merely is given that the women may be removed. This is followed by minor rules, regarding the conduct of the search; the mode of transmitting any property which may be found to the magistrate; the investigations to be held in the event of the owner of the house asserting that he procured it by purchase or other fair means.

They are also expected to be present at fairs or other large assemblies of the people, in order to preserve the peace; and should they hear of any assemblage of people on a boundary between two villages, which may chance to lead to an affray regarding the right to the land, they are immediately to proceed to the spot, and either prevent any breach of the peace, or apprehend those concerned, should any affray have been actually begun.

All bad characters, vagrants, and those who have no visible means of livelihood, are to be apprehended and forwarded to the magistrate. All insane persons, from whose insanity there may be reason to apprehend any fatal or serious consequences, are to be sent to the magistrate, unless the friends of such persons will enter into engagements to adopt such precautions as shall prevent their doing mischief.

The village watchmen, although appointed by the head men of the village, are also placed under the superintendence of the police: they are ordered to report all occurrences within the cognizance of the police, either daily, twice a week, once a week, or once a fortnight, according to the distance of their respective residences from the police office. They may apprehend persons committing serious crimes, if taken in the act, or proclaimed offenders; they are also to keep watch at night, which duty, where any police are stationed, is to be performed conjointly with the latter.

The police may assist in distraining for arrears of rent.

They are also to prevent any encroachments on the public roads.

Such are the outlines of the duties of the police established in India: there are a variety of inferior provisions under every head, and some few heads, regarding resistance of process summons, use of handcuffs, punishment of the police for misconduct, and various others, to which I have not alluded: the principal points however are all enumerated above of course, where the parties, whether prosecutors, criminals, or witnesses are connected with the commercial, salt and opium departments, much more consideration is to be shown than towards other classes: these are not to be summoned and apprehended like common people, for fear the Government produce should suffer. V. Sect. 20th of the same Regulation.

The crimes which are not cognizable by the native police officers are charges of adultery,

fornication, calumny, abusive language, slight trespass, or inconsiderable assault: parties making such complaints shall be referred to the magistrate. The first observation which strikes me on examining the system of police in India is, that it is precisely on the same plan as that established in London by Sir Robert Peel in 1829. Yet while that has proved a most admirable measure, which meets the approbation of all who have property to lose, our police in India, has been productive, on the whole, of far more evil than benefit to the people. The reason is simply this; that in England the police officers are well paid, and there are a sufficiency of magistrates to keep a strict surveillance over the police; while in India, the oft repeated tale must here again be related; the inadequate number of magistrates, and the immense size of the districts, which renders any proper surveillance perfectly out of the question, while the small payment of the police officer, insufficient to cover the expenses of the situations, prevents any respectable persons from accepting them: and those who do so, as a matter of course, intend to make the most of their appointment. The circumstance of every man in the London police having his letter and number marked on the collar of his coat is an admirable check to misconduct, the individual policeman can be immediately pointed out; and it would be highly desirable to introduce something similar to this into India.

But let us analyze the regulation for the police, and compare the law with the actual practice. In the first place the darogah (or inspector) is expected to proceed in person, if possible, to investigate all minor crimes, to hold inquests upon bodies, to attend fairs and markets, to preserve the peace, and perform some other duties; all this sounds well, but let any one look at the average size of each jurisdiction, nearly sixteen miles square, and judge whether it be possible for him to do this. But few of the divisions are compact. Some of them struggle for more than twenty miles, while the police station is at one end; others are divided by a river, to cross which in the rainy season, occupies three or four hours. The inspector is accordingly allowed to depute the writer or the jemadar (serjeant) and not unfrequently the enquiry, although contrary to law, is conducted by a common constable; but unfortunately with all this assistance, the investigation is sometimes delayed so long after the crime has been committed, that the clue is lost, which if at once followed up, might have led to the immediate detection of the offenders. The great size of the police divisions is evidently well known to Government, as is shown by the clause, allowing the watchmen of distant villages to communicate only once a fortnight with the police station, V. sect. 21 of the same regulation. And be it remembered that this regulation (XX of 1817) is not a *coup d'essai*, but the result of twenty-three years' experience; that it rescinds a host of former laws, and that besides containing many new, it is a consolidation of almost

all the old enactments relating to the police which were considered good.

The provisions regarding the village watchmen are all theoretically good ; but what is the true state of the case ? That a real watchman scarcely exists in the upper provinces. Under the native Governments, the village watchman, and some other public village servants, had each a small portion of land, rent-free, as a payment for their duties : under our system of extortion, this has, in most instances been taken from them ; not directly by the government officers, but the head-farmer of the village has been forced to do so, and cultivate the land for himself, to enable him to pay the exorbitant demand. Complaints were often made by the poor watchmen, and under the old system the Magistrate would occasionally (he had not time to attend to more than a few) send an order to the local police officer to restore the watchman his land : this, however, usually proved a dead letter ; and as to the Collector-Magistrates, they think it much better that Government should obtain a little extra revenue, and let the police shift for itself. The consequences, as might be expected, are that as they receive no pay, the watchmen have endeavoured to throw up the employment, while the police still attempt to force it on them ; and these men are still expected to keep watch all night and report occurrences to the police during the day : and that, too, in villages in which there never were more than one ; and until flogging was abolished two years ago, a poor wretch forcibly dubbed a village watchman, without getting any pay, was often flogged because a theft was committed in the village in which he resided.

One circumstance is extremely striking, viz. the extraordinary powers with which they are vested, in some points, and the restrictions which are imposed on them in others. A police officer may investigate crimes of the highest magnitude, administering an oath to the prosecutor or informer ; he may apprehend people of the highest respectability on the mere word of an informer ; may send the parties to the Magistrate, or in some cases release them on bail ; may forcibly enter and search houses, the zenana (women's apartments) included, for stolen property ; yet the officer who possesses such powers as these is not allowed to give a final order in any case. Should a trespass of cattle occur of which the damage done is of the value of a few pence ; should the poney or bullock of a traveller wander from its pickets and be sent to the pound ; should any petty aggression be committed by a traveller : in these and many other cases, there is no local authority empowered to settle the dispute. The damage done by the cattle, the claim to the poney, the complaint against the traveller must all be investigated at the Magistrate's office, although this may be fifty or a hundred miles distant. To such a height is this carried that a drunken man may reel about the streets, annoying every one he meets ; a set of rascals may go about abusing and hustling respectable

people in order to extort money by threatening to provoke a quarrel and then lay a complaint, or singing indecent songs within hearing of the females of the family, which is purposely done to extort money ; and yet the police are not allowed to interfere ! Nay, to such a length does this extend, that not long ago a plaintiff proceeding under protection of an officer of the civil court to arrest his debtor was resisted, and ran and took shelter in a police station-house, whither he was followed by the debtor's friends and well beaten with shoes ; the police officers standing by all the time, exclaiming they dared not interfere, this being only a slight assault.\*

In towns, many an affray which begins in a slight quarrel, but ultimately ends in murder or serious wounding, might be checked in the outset ; but no ! abuse and slight assaults are not within the cognizance of the police : it is not until swords are drawn, or serious club blows inflicted that the police may interfere, i. e., when the mischief is done. The want of a local authority is severely felt in many other points. Some of the most serious affrays arise out of the trespass of cattle : the people cannot afford to waste a month in travelling and dancing attendance at the Magistrate's office, or to spend ten or twelve rupees in petitions, summonses to witnesses, and other legal expenses, when the original loss they have suffered scarcely sometimes amounts to above a penny, seldom above a few pence ; they consequently take the law into their own hands, of which the first step is that the owner of the land or corn into which the cattle have trespassed, attempts to drive them off to his village, with a view of exacting a small fine from the owner before releasing them ; and should he be perceived by the other party, an affray, accompanied by loss of life or severe injury is the consequence. Had the people some local authority to appeal to, who could immediately investigate the case, oblige the owner to pay the damage which had been done, and inflict a small fine on the offender for his carelessness, they would soon learn to refer to such constituted authority, instead of seeking redress themselves. So in preventing oppressions inflicted on farmers and dealers by self-constituted gangs of weighmen, watchmen, and heads of markets, whose sole livelihood is derived from illegal fees ; and exactions levied from those classes ; and in a variety of minor cases, some local authority would be one of the greatest boons to the people : and I am convinced that were these powers intrusted to the present race of police officers, the evils which the people would suffer would be infinitely less than those they are now obliged to bear : for as to telling them they have their remedy by complaining to the magistrate, it is mere mockery. It is like telling a man whose prospects

\* While the police are not allowed to give any assistance, in the execution of a decree in favor of an individual, they are enjoined to aid the enforcement of any government demand for rent.

were ruined by transmission without trial, that he had his remedy in an appeal to the Court of Directors or Privy Council! The above evils are, caused solely by the restrictions imposed by the law. Those produced by the absurd rule of guidance by which the magistrates of several districts are now influenced, will next be considered, viz. that of gradually stripping the police of all power in order to prevent their abusing it. They seem to have adopted a notion that the police will take every opportunity of turning their authority to their own advantage: now granted that this be the case, the best mode of putting a stop to this, would be that either the Collector-Magistrate, his deputy, or head assistant, should make a tour of the district, and inspect and enquire into the conduct of the police; if this were done two or three times a year, it would form a very good check to improper conduct. But these officers are too much occupied with the revenue concerns, and their object is to arrange the police affairs, so that these may occupy as little time and occasion as little trouble as possible; and they think one mode of effecting this will be by restricting the power of the police. The police are accordingly ordered not to send in any cases in which the prisoners are apprehended, unless the proof against them be so strong as not to admit of doubt: so that numerous felons escape, whose guilt would have been proved by additional inquiry before the magistrate. Directions are issued that bad characters and vagabonds shall not be interfered with; the police are prohibited from preventing encroachments on the public roads, so that the streets in the various towns are gradually becoming blocked up, I could point out several through which a few years ago a cart could pass, in which nothing is now left but a foot path, from the encroachments of the owners of the houses on each side. These and some other restrictions considerably lessen the Magistrate's business.

As so much has been lately said about the extortions of the police, a few words on the subject will not be out of place here. I shall first premise that no police officer above a constable can live on his pay. With such an extent of country, two horses for a darogah, one for the writer, and one for the jemadar, are necessary to enable them to perform their duties—the expenses of these animals alone will exceed their respective salaries; consequently when they obtain their situations, they consider it as an understood matter that they are to have some perquisites in addition; and I shall next show that considerable sums may be realized by the police with scarcely a chance of detection.

A murder or other crime is committed: the police officer proceeds to the village, summons the head man, and indeed half the inhabitants, to whom he hints that it will be necessary for them all to proceed to the Magistrate's abode. This produces a *douceur* from each to avoid such a calamity; for such it is considered to have any thing to do with a

prosecution. In an affray between some of the inhabitants of two large villages, there is a fine field for perquisites to the police.

Should a traveller who is proceeding in an opposite direction from that in which the Magistrate's office is situated be robbed of some petty article, and the thief be secured, money is exacted from him to allow him to proceed on his way, without the loss of a month's detention by being sent to the Magistrate that the case may be heard: the thief on the other hand willingly pays a good sum to be released. Should the traveller's poney stray and be observed by the police, it is immediately brought to the station house: the poor man appears and begs its release, offering to prove by the other travellers in the inn (*serai*) that it is his. He is told that it must be sent to the Magistrate as unclaimed property, and he must then prove his right. Of course it ends in a fee being paid and the poney restored.

Numbers of people who have even been robbed, will rather put up with their loss than proceed to the Magistrate's office; and they will willingly pay considerable sums to the police to hush up the affair, and say nothing about it, while to screen the latter and shelter them from blame, should it be discovered, they readily sign papers, declaring that they have not been robbed. So different are the opinions of the people from those which we entertain respecting the Courts which we choose to pronounce a blessing to the inhabitants, and so superior to the corrupt tribunals of the old native rule. The British Government may in the abstract be better than those of the Native Chiefs; the only misfortune is that neither in abstract nor practice have we ever been able to persuade our native subjects to be of the same opinion: and they would not be slow to acknowledge it, if they really found it so.\*

The requisition of carriage for the march of troops is a fertile field for the police; all the pack horses, bullocks and carts that they can find, are seized and brought to the station house; and after taking a fee to release the greater part, the number required are sent to the Magistrate. This is entered upon in detail in No. 25.

On the first appointment of a police officer to his station, it is the custom of all the heads of the villages to present a small offering. This is also done at certain festivals during the year. Both these are old native customs.

Such cases as these enumerated above, and there are others which might be enumerated, afford very considerable sums to the police officers, with scarcely a chance of detection. Why do not the people complain, it will be

\* With respect to the natives being unable even to perceive the numerous blowings which we are pleased to assert have been bestowed on them by the British Government, which of course they therefore could not acknowledge, I have frequently heard civil and military officers account for it by the horrible ingratitude of the natives, and assert that they were such abominable wretches that although they plainly felt the benefit of our rule, they would not acknowledge it!!! Strange ignorance of the native character; and so difficult is it to mortify our vanity by owning ourselves in the wrong. When the natives do meet with a functionary who by slaving day and night contrives to give justice to applicants, his praises are blazoned forth for a hundred miles round.

asked? Why should they? In all the instances, except the first, they only pay the darogah to induce him not to do his duty: the people prefer giving a douceur solely in order to avoid having any thing to do with a Magistrate's Court, and to prevent drawing upon themselves the evils of a prosecution. What folly would it be to do this, and then complain of the police officer! If they go to the Magistrate at all they had better have attended at once on their own business: it is to avoid this very evil that they willingly pay. Besides, in the first mentioned instance, the people know not what the powers of the police are, and very often the latter are armed with an order from the Magistrate which allows of great latitude. Some young Magistrates, who are not very well acquainted with their duty, on receiving reports of crimes in which the perpetrators have not been discovered, as a matter of course in each case, issue orders to the following purport. "To make every search, and if unsuccessful at the end of a week, fortnight, &c., to send the head-man of the village and watchman to Court." Some call for these people at once; some only for the watchman; some for the head-man of half a dozen villages round: sometimes are added the words "and any others wakif-kars," which may in such a context be translated "any others whom you (the police officer) choose to suppose may know any thing about the matter." With orders of such latitude, a man may summon half a village. The result was, that after waiting about the Magistrate's office from one to three weeks, they are called up, and as a matter of course without the slightest enquiry, the head men were fined, and the watchmen flogged, because one of the villagers had been robbed! the chances being a thousand to one that the thieves were from another village, for they seldom rob in their own. In towns, of course, it is different.

The question which naturally arises is, what is the best mode of improving the police, and preventing the abuses which now exist? The remedy is not very difficult: better pay, which will gradually introduce into the establishment a more respectable class of men, and proper surveillance on the part of the Magistrates. Many still argue that no amount of salaries will make the natives honest: the same reasoning might with equal justice, if judgment had been formed from past experience, have been employed when Lord Cornwallis raised the salaries of the Civilians. Again I repeat, only try the same experiment with the natives that has been found to succeed with the Civil Service. If a feeling of morality does not induce them to become honest, self-interest will do so. But it would not probably be necessary to give any very extravagant salaries. I have made many enquiries into the usual expenditure of police darogahs, and do not think that on the average, they respectively spend above a hundred rupees a month. Yet not one in a hundred of them ever accumulate any money, on the contrary many of them are more or less in debt. The salary of a

darogah should not be less than a hundred rupees; of a writer, thirty-five or forty; of a jemadar, twenty at least: this scale of emolument would procure a respectable class of people, who might be allowed to exercise the powers above alluded to in this paper, and even to decide cases of petty theft. On the subject of the debts of the police officers, a remark is required. They almost owe considerable sums to the principal shopkeepers in the town or village in which they may be stationed; sometimes, but not often, they borrow from some of the landholders. The policy of this is to secure the interests of these influential people in dissuading any person from lodging a complaint; because those must perceive that if the police officer who possesses no property be discharged, they have no chance of ever being paid. Government ought to allow the Magistrates to protect these shopkeepers, for they lend the money or give the goods on credit, not willingly, but because they dare not refuse: if they would ere long be forwarded to the Magistrate under strong suspicion of being regular receivers of stolen goods: or in some way or other would soon feel the ill will of the police officers. The Magistrate ought to be vested with authority to settle these cases without delay, and imprison the police officers with or without labour. This would soon check the above abuse. I have known shopkeepers quit a town from the losses they sustained by the debts of the police. Some Magistrates have occasionally passed summary order in these cases for the protection of the shopkeepers; but the superior court (Sudder Nizamut) disapproved of it, and ordered that the shopkeepers should sue in the regular way, which was tantamount to a denial of justice. But with that court, a legal technicality would seem to be of more consequence than justice; and to sue in the regular way would produce a little revenue to government in the shape of fees and stamp paper.

Another point to be considered in improving the state of the police is rewards for good behaviour. Those belonging to it are expected to work hard, and often risk their life for a mere pittance. I have often known the most gallant conduct displayed by police constables, and the greatest intelligence shewn by the superior police officers in tracing out a gang of thieves or recovering stolen property, to be passed over as a matter of course without notice, although in the latter case, the darogah has often expended a considerable sum out of his own pocket to spies who had given him the information. Is it extraordinary that when on the one hand they experience such treatment, and on the other they are offered a handsome present or bribe, that they should too often forget their duty, and allow the criminals to escape; or that when weapons are drawn they should be rather slack. Consider the motives which actuate the felon and the constable when it comes to a pish: the former perhaps looks forward, if taken, to death or transportation for life, or at the least to some severe punishment. It is worth risking his life in the attempt to out his

way through and escape; the latter has the mortifying reflection, that if successful, his conduct will most probably pass unnoticed; and that if killed, his family will be left destitute.\* "Sense of duty," &c. &c., are all very fine words, but the feelings of human nature will have their way: if good service be wanted, the proper price must be paid for it; for it will not be obtained without. Our Indian police have been very generally accused of cowardice; but quite without reason: pay them well, and they will work well. Wherever a Magistrate has taken a proper view of this point, and has been supported by the Superintendent of Police, or Commissioner, in granting liberal rewards for good conduct, in that district instances may be found of great bravery and intelligence. If Government would be a little more liberal in this way, and if in the event of a police officer being killed in the performance of his duty, a pension were secured to his wife and children, an improvement would soon be perceived in the police affairs, and it would be seen that the men are no cowards. What are twenty or even fifty rupees to government given occasionally? Yet these are large sums, sufficient to induce exertion to men whose pay is but four rupees a month. A very different view is however generally taken of the subject. Many of the Commissioners, especially the inefficient ones, fancy the way to keep in the good graces of Government is to be economical; they therefore spend half their time in squabbling with those under their authority, about some petty charge of stationary, or a charge of a few pice paid to some poor wretch sent in as a witness by the police from fifty miles distance, who had begged his way to the Court, not having any means of supporting himself or some such matter; and so to reward some of them will scarcely grant any thing; in which, however, they only follow the example of their superiors, as the following anecdote will shew. About three years ago, at Futtebhur, a man rushed into the Magistrate's office with a drawn sword with an intent to murder him. The nazir (sheriff) of the Court, hearing the noise turned round, and boldly confronted him. He received a wound in the head, and one on the hand, the latter a severe one: this staggered him for the moment, and the ruffian pushed by; but before the latter could advance above two or three paces, the nazir sprang after him, and with his other hand seized him by the nape of the neck and pulled him down on the ground into a corner where he was secured. The Commissioner recommended to the superior Court, to whom he referred the case that a handsome mark of the approbation of Government should be bestowed upon the nazir for his brave conduct: whether the superior Court did not forward the recommendation, or whether Government would not grant any thing, I do not know; to the disgrace, however, of one or the other of these authorities, the nazir has never

received any official reward or mark of approbation to this-day.

Another mode of reward, which is much wanted, is a higher grade to promotion to which the common constables might look forward. Very few of these men can aspire to the situation of jemadar, though instances have been known of their rising even to that of darogah; but such are very rare, and in each police office should be the grade of duffadar, (corporal) one or more according to the size of the station, which should be devoted exclusively to the reward of the police privates for good behaviour.

Finally, if we want an efficient police, it must no longer be left to the revenue officers, to be attended to by fits and starts, but must in each district be placed under the superintendence of a Magistrate, who should devote his whole time to it; and who being relieved by his assistant from the detail of the office at head quarters, should be enabled constantly to be making the tour of his district. This is particularly requisite, when we consider the difference between England and India. There a man has seldom above two or three miles to go to a Justice of peace; often his residence is close at hand. In India, the average would be about twenty-five miles to the station of the Magistrate. If the latter held free communication with the people, few of the above mentioned peccadilloes of the police would escape his notice when he was on the spot; and when such a check was imposed, then the authority of the local police officers might be increased; and the landholders might be entrusted with certain powers to the great benefit of the people; at least it is to be hoped that a public functionary, who in some matters is invested with greater powers than an English justice of the peace, may be allowed the discretion of confining a drunken man who may be pelting mud upon every one that passes by, until he become sober.

I beg to assure those assistants who aspire to be Magistrates, that provided they have only a little common sense, and will make up their minds to submit to many petty annoyances in being constantly interrupted by people, many of whom have little or nothing of consequence to say; free communication with the people will make them able and efficient public officers. At the same time, let them be cautious in the use of spies. A professed spy should never be allowed to come near them unless for some specific purpose. Were a man to say "If you will give me a reward I can point out such and such stolen property, or some notorious thief who hitherto escaped, &c.," however great a villain he might be, there would be no objection to making use of him for that particular service; that done, pay him his reward and send him about his business. If it be once supposed that one of these professed spies is an attendant on the Magistrate, there will be no end to his extortions all over the district; nor are they of any use to a man who holds

\* In upper India it is the custom of the population usually to carry arms, the police of course do so.

from intercourse with the people of all classes: every thing that is going on, good or bad, may be learnt, by this means.

Of course the young men must make themselves well acquainted with the Rules and Regulations regarding the police duties, and let them be particularly careful in attending to all the forms and orders in the criminal cases for trial at the sessions, and in the transmission of periodical forms: these being points on which the superior authorities are very particular; although they are of infinitely less consequence than any other portions of police duty.

The summary of the above observations is as follows: the police established by the British Indian Government, is in its outline precisely similar to that of London: the former is considered by the people as an intolerable evil, the latter is universally allowed to be a most admirable establishment, highly conducive to the public good. The requisites

for the improvement of our Indian Police are, first; respectable salaries for those employed; second, rewards and promotion for good conduct; third, additional powers in certain petty cases, thus destroying the anomaly which at present exists in the extent of their authority; fourthly, some authority to be intrusted to the upper class of landholders (if any such can be found after the operation for so many years of the revenue screw system worked by crack Collectors;) who would then be induced to give that assistance which they now withhold; and lastly, that there should be the strictest surveillance on the part of the Magistrate, over every one connected with the establishment. The revival of the office of Superintendent of Police to ensure one uniform mode of arrangement, I have already touched upon in No. 45. It is therefore superfluous again to allude to it.

A FRIEND TO INDIA.

August, 1, 1835.

[Bengal Hurkaru.]

## SKETCH OF BORNEO.

BY THE LATE DR LEYDLN.

The great island of Borneo stretches from the fourth degree of south latitude to the 8th of north lat and from the 160th to the 168th degree of long, being about 7,000 miles in length; it lies almost in sight of Java. The shores of the island are generally covered with mud banks: the coasts are low and marshy, with small hills generally covered with wood. The centre swells with ranges of huge mountains, which are commonly denominated the crystal mountains, from the quantity of crystalline stones found there, and these are said to run in a north and south direction. At the foot of these mountains lies a large inland lake, which is termed a sea by the Dutch, and which is reported to be larger than the lake of Manila. From this lake spring all the considerable rivers in Borneo, which are said to be more than a hundred in number. The island of Borneo, though uncommonly rich in gold, diamonds, camphor, and other valuable productions, and very fertile in the interior, yet, from the indolence of the inhabitants, and the want of polity in the small states of the coast, is believed not to produce rice sufficient for its own consumption, and has been compelled to depend on Java. This, however, may, in a great measure, have proceeded from the general policy adopted by the Dutch.

The coasts of Borneo are occupied by a number of petty Mahometan states, some of which are of great antiquity. The original population of these is a mixture of Malays, Javanese, Bughis, and Nagasars; but a small

number of Arabs, and a very considerable number of Chinese are always to be found in them. The interior of Borneo is chiefly occupied by the numerous rude agricultural tribes of a people termed Dayak, very few of whom have embraced the Moslem religion. The religion of the Dayak is little understood, though some of their usages have attracted notice from their singularity. In many places of the island, the possessions of the Dayak extend quite to the shore, as on a considerable part of the eastern coast, within the straits of Macassar. There was considerable settlements of the Chinese along almost all the principal rivers of Borneo in the interior, and it is said, that in some places they have attempted to acquire a species of independence.

The lofty mountains, ranged on the centre of Borneo, are represented as occupied by a people named Punama, in the very rude state of savage life.

OF THE MARITIME DISTRICTS OF BORNEO.—The maritime states of Borneo are chiefly the following:—1st, Borneo Proper; 2d, Cot; 3d, Passir; 4th, Banjarmasin; 5th, Matan; 6th, Pontiana; 7th, Sambas.

1st, Borneo, properly pronounced Borneo or Bronoh, is generally reckoned a state of some antiquity, and is attested to in the annals or legends of Malacca, as a proud independent state, by no means disposed to admit the sovereignty of any other kingdom. The inhabitants refer their origin to a traditionary

emigration from Johore, but are ignorant of their own history, according to every account Dalrymple, in his "Essays on the Sooloos," published in the first volume of the Oriental Repository, alleges, that the Borneyan Empire not only extended over that island, but also over the Suki and Philippines in ancient times. I have been able to discover no traces of such dominion, and Dalrymple himself gives a list of the sovereigns of Borneo, which he perused at Sulu, and which only recites six names before that of the reigning sovereign. Thus:—

- 1—Meraham Tumbaŋg Deramput.
- 2—De Pulow.
- 3—Bongso. \*
- 4—Addul.
- 5—Hussein or De-luba.
- 6 De Bornei or Appang.
- 7—Depertuan Sear-ed-din,—the reigning Prince.

Borneo, however, has some features of an ancient state, one of which is, the high veneration for the authority of the prince, which is found in all the ancient Malay states, but among very few of those of late origin. The Sultan accordingly maintains a higher degree of state and dignity than the greater part of Malay princes.

The dominions of Borneo Proper, are bounded on the west by the territories of Sambas, and on the east by the Malluder and other districts nominally subject to the Sulus. The state of Borneo consequently occupies the most northerly districts of the island of Borneo. Between Sambas and Borneo are situated a variety of small towns, such as *Serawa*, the piratical chief of which lately cut off the ship *Commerce*; *Klakka* and *Mohka*, the chiefs of which are denominated *Pangerans*, *Seribas* and *Pale*.

The Government of Borneo is conducted, according to Mr. J. Jesse, by the Sultan and a council of his principal officers, consisting of the *Bendahara*, the *De-gadong* or chief of the household, the *Temangung*, the *Pa-muncha*, or administrator, and the *Shabender*. The law of the land is the *undang-undang Borneh*, which is said to be of some antiquity.

The river of Borneo is represented as navigable for a considerable way above the town for ships of great burthen, but it is very narrow, and land-locked at the mouth, where it is about a quarter of a mile broad. The town of Borneo is built on posts on a marsh, and in the time of Valentyn, consisted of nearly 4,000 houses; it occupied both sides of the river, and is situated about 10 miles from the mouth of it. The productions of Borneo, capable of export, are gold dust, pearls, wax, bird's-nest, camphor and rice; and the general imports are tin, piece-goods, and most of the products of Java. Borneo Proper is one of the states on the island which grows rice sufficient for its own consumption. The camphor of Borneo is the best in the world, and

the next to it in point of quality, is that of Barus in Sumatra. The Borneo camphor does not exceed the annual quantity of 35 peculs of 125 lbs. which costs about 3,200 rix dollars. The camphor of Sumatra, amounts to about 20 peculs, costing 2,900 rix dollars. A species of camphor is produced in Japan, from the leaves of a kind of laurel, which costs about 50 rix dollars per pecul.

The cultivation of pepper was introduced into Borneo by the Chinese, between 40 and 50 years ago. When Mr. Jesse, in 1774, the period of the original settlement of Balam-banggan, stipulated by treaty for the exclusive trade of pepper at Borneo, he found that not more than 4,000 peculs were produced, and this cost about 17 Spanish dollars per pecul. I understand that the country still produces pepper equal at least to this specified quantity.

The trade between Borneo and the Chinese port Amoy, is very considerable. According to Foster, there were seven junks at Borneo in 1775. The return cargoes procured by the Chinese are chiefly camphor, sea-slug, tortoise-shell, bird's-nest, clove bark, dammer-resin, a species of black-wood, which the Chinese work up into furniture, wax, agal agal, a species of sea-weed which yields a gum or glue, sandal-wood, rattans, and various barks used in dyeing.

The English were long in the habit of dealing at Borneo in piece-goods to a small extent, taking their returns in pepper and gold-dust; lately, however, the inhabitants have had a bad name, and are probably at present little acquainted with Europeans. Little intercourse and much jealousy subsisted between Borneo Proper and our last settlement of Balam-banggan, and since that settlement was abandoned, they have certainly been occasionally guilty of piratical practices.

The Malay population of Borneo Proper is distinguished for haughtiness and indolence. They are not, however, devoid of some arts, particularly that of casting brass cannon, in which they are skilful; this is also practised at Palembang.

The period of the introduction of Islam into Borneo is not known, but it appears from the accounts of the Portuguese, that it was previous to 1550.

OF THE DISTRICTS IN BORNEO BETWEEN BORNEO PROPER AND COTI.—The districts on the N. E. of Borneo are Pappal, Malluda, Mangedara and Tirur, the greatest part of which, on the sea coast, especially some time ago, were under the influence of Sulu. When we received the cession of Balam-banggan from the Sulus, they were supposed to have ceded to the English the whole of their influence in these districts.

PAPPAL.—The district of Pappal lies adjacent to the dominions of Borneo Proper, from which it is divided by the river of Ki-manis.

The soil of the country is reckoned fertile, but lies generally uncultivated along the shore; it is full of stately trees, and the savannahs abound in the species of black cattle, termed *lissang* and deer.

The productions of the coast are sago, rice, beetle-nut, cocoanut-oil, camphor, wax, with a small quantity of pepper and cinnamon. On the river Ki-manis, the inhabitants are termed *Ida-an* by Dalrymple, which I consider as only another name for *Dyak*, and these were formerly accustomed to trade to Java in their own *proas*. The rivers of Pangalet and Pappal are inhabited by Malays, as are likewise the districts of La-battuan, Innam, Manyatal, Patatan and Kinarut. The river Mangabung is inhabited by Malays, but the river is not fit for navigation. The river Tavarani is reckoned navigable for boats as far as the central lake of Kinibalu; it is inhabited by *Ida-ans* with a small colony of Chinese. Abai has a harbour sheltered from the westerly winds; its river, with those of Tampasak, Lubak and Ambung, together with Salaman and Pandasang, are inhabited by Malays. The river of Tampasak is also represented to come from the central lake of Kinibalu; after this come the rivers of Li and Tabalulan, inhabited by the *Ida-ans*; Tampasak consists of about 200 houses. Tampasak and Tawarau rivers may be regarded as the northern entrances into the great lake of Kinibalu, which, according to every account, must be above 100 miles in circumference, and certainly communicates by means of one of its rivers with Bengar-Massing; its waters are represented as whitish, and in some places it is said to be only from 5 to 6 fathoms in depth.

Malluda comprehends the northern end of Borneo. It abounds in grain and provisions, and is reckoned well-peopled in the interior by the *Ida-ans*. It has a deep bay, on the west side of which is situated the town and harbour of Barkokn. On the east side of the bay there are pearl banks. This deep bay is said to approach to within 40 or 50 miles of the lake Kinibalu, and the mountain Kinibalu appears rising abruptly to a stupendous height on the west side, while on the east, it slopes gradually down to the low lands of Sandakan. The commodities which Malluda produces are nearly the same as Borneo Proper. The powerful tribes of the *Ida-an* or *Dayak*, who occupy the country around the great lake, and have a sovereign of their own, who is not dependent on the Malays, are represented as averse to commerce. This, however, is probably a misrepresentation, as they certainly have a communication with Banger-Massing. Malluda abounds particularly in rattans and clove bark, but its pearls are not of so fine a water as the Sulu pearl.

Manggi-dara is the most easterly district of Borneo, and extends itself towards the Sulu islands in a long narrow point, named Unsang. Here the Spaniards formerly had a settlement, which they relinquished to the Sulus, but the woods still abound in cattle, the breed of

which was left by them. The eastern part of Unsang likewise abounds in wild elephants, which are said to be found on no other part of Borneo.

Manggi-dara produces gold, bird's-nests, wax, dammer, and the species of red-wood named *lacka*, with some camphor. Considerable quantities of sea-slug and tortoise-shell may likewise be procured from the numerous shoals and rocks and inlets along the coast. Paitan, the name of a river and bay, produces a considerable quantity of camphor and clove bark, but the coast is very shoaly and foul, as are the bays of Lubuk and Sugut. The river of Sugut descends from the lake of Kinibalu. East of Lubuk lies the island of Bahela-tulis, which forms the entrance of the bay of Sandakar, which is about five leagues deep, and has three harbours, that of Buli-luko in the west, Segalihut on the south-west, and Damendung on the south. The bay of Sandakar abounds in large and small timber stones, lime for building, and has plenty of water. The Sulus have a settlement on the small island of Lubak-kan, whence they carry on a trade with the interior of Borneo. Great abundance of sea-slug and agar or eagle-wood is procured in this vicinity. The promontory of Unsang, which is by no means well exhibited, terminates in a bluff point, at the north-east part of which is a small island named Tambisan; between Sandakan and Tambisan are at least 30 large rivers, all of which, except Mariack, are branches of the great river Kinabatangan, which descends from the lake of Kinibalu. The most considerable of all these are the most westerly, especially Towsan-abai or the meeting of waters, so called from being the conflux of several large streams. The bar of this river is shallow but the coast is clear of banks. The north coast of Unsang has many bays, but none sheltered against westerly winds. The harbours of Towsan Duyor and Mamuyong, however, deserve to be mentioned. On the south coast of Unsang are the rivers and bays of Sibais Tunku, Malaburg, Babatu and Satrurung, which are all small. Much sea-slug, however, is procured on this coast. The bay of Jiong is very large and contains several islands and shoals, and on the hills around it are several caves which produce bird's-nests. From Jiong to the river Tawaw the country is broken by creeks and rivers into numerous inlets.

Tirun or Tedong is the common name of a large district on the east of Borneo, which has never been much frequented by European shipping. The coast of Tirun is in general a low swamp, overgrown with mangroves, inhabited by a savage people addicted to piracy, and named Orang Tedong or Tirun, who have never embraced the religion of Islam. They are probably like the *Ida-an*, a tribe of *Dayak*. Dalrymple observes in his *Oriental Repository*, vol. I, page 562, that the Tirun and *Ida-an* languages are equally foreign to the Sulu, and each other. The matter, however, has never been properly investigated. The mountains of the *Ida-an* are at a great distance



towards the interior. The Tiran country produces a much greater quantity of bird's-nests than all other regions of the east. The whole country is covered with sago trees, which afford the chief subsistence to the inhabitants. The rivers are numerous, large and navigable. Besides sago and bird's-nests, the chief products of the country are gold, wax, honey, canes, rattans, sea-slug and a species of gulega and bezoar; some say it also produces ship-petre. The river Siboru, its northern boundary, is said to have thirty campongs on its banks, and about 1,000 people, and to produce about 40 peculs of bird's-nests and 100 of wax, besides sago, honey, canes, rattans, and mats. This river is large, but there are shoals at the entrance. Sambayang is a smaller river, which produces in its environs about 20 peculs of bird's-nests. The river Lidong or Lihdong is large, and its district populous, being estimated by the Sulus to contain 10,000 inhabitants. It produces about 25 peculs of bird's-nests. The bay of Salawang or Siatas produces about 100 peculs of black bird's-nests.

Balangau or Barunyan is a campong of some consequence, situated on a large river of that name. It was formerly subject to Passir, but at present it is said to have a chief of its own: it produces a great quantity of gold and also earth oil.

Barow or Barong is an independent state, governed by its own Sultan, and produces a great number of bird's-nests and other Tiran products, such as wax and sea-slugs. This country has a considerable trade in cocoa-nuts with Tuuli in Celebes. The river is situated in the bottom of a deep bay. The small state of Kuran is said to lie on the same river as Barow. It is likewise governed by a chief who assumes the title of Sultan, and who is frequently at enmity with the Sultan of Barow, though the subjects of both are chiefly Orang Tedong. About the year 1770, according to Forster, while these two princes were at war, one of them called the Sulus to his assistance. The Sulus seized the opportunity of making both princes prisoners, and after ravaging the country, carried them both to Sulu, where they were released on condition of becoming tributary to Sulu and confining their trade to that nation. Dalrymple asserts Barow to be in alliance with Sulu, and Kuran as tributary to it.

South of Barow lies Talisyat, an inconceivable campong; beyond that a considerable place named Dumaring by Dalrymple, but by Radermacher Danmiar, the datoo of which has the title of Baginua. To the south of this lies Samangath, which is under a datoo Tumangong, and beyond that, the river of Tapeandari, or Tapedarian, the inhabitants of which have a bad reputation among eastern traders.

Coti, or as it is commonly denominated Coti Lama, lies considerably to the south of Samuant, and between them are a number of

towns and villages, the names of which are not generally known even to eastern traders. The town of Coti is situated about 50 miles up the river of that name. The traders and products of the country are nearly the same as at Borneo Proper. This town, which rose upon the decline of Passir, is chiefly inhabited by Bugis traders. The Sultan resides considerably further up the river with a few Malays and a great number of Dayaks subject to him. According to Radermacher the Sultan of Coti, in 1780, was named Hageahmed.

Aparkarang lies to the south of Coti, and is likewise under the authority of a Sultan, who, in 1780, was named Sultan Thora. This place is at present so insignificant, that I have never been able to meet any trader, whether Native or European, that had ever heard of it. I believe, however, that it lies between the river Montu and the dangerous bay of Balikpapan, so named, because almost every boat that enters it is overtaken by the strength of the current. Between Balikpapan and Passir, formerly, in the time of Valentyn, lay a town inhabited by a very brave and ferocious race of Davak, who made use of the most dangerous poisoned arrows, and *sumpits* or blow-pipes, with which they on some occasions made such havoc, that their campong was termed "the grave of slave catchers."

Passir may be considered as a Bugis colony, founded by the state of Wajjo; it is situated about 45 miles up the river of that name, which has two fathoms water on the bar. The town consisted of about 300 houses on the north side, chiefly occupied by the Bugis, and the Sultan's fort was on the south side. About 30 years ago, it carried on a very considerable traffic, but has since that time been greatly on the decline from intestine dissensions. The native products of the country are gold, bird's nests, wax and rattans, and almost all the staples of Java find a ready sale at Passir; the Bugis withdrew to Pulu Laut, termed by the natives Lautpulu, where they have established a considerable town on the island inside of the straits of Pulu Laut. The English sent the *Brilliance* to form a factory here in 1772, but some civil commotions caused the design to be abandoned. Both Passir and Coti were in ancient times conquered by the Macassars. They entered into alliance with the Dutch in 1686.

Simpamahan, under a small chief who has the title of Pangeran, lies to the south-west of Passir. It is an inconceivable town with few inhabitants, with little trade, and producing only a few mats and bird's nests. Valentyn in his time states the campongs between Passir and Pulu Laut as follows: Passir Brava 15 miles from Passir, then comes Pamatan, Apper Pamukan, Capus, Catappa and Camla.

Pulu Laut is about 40 miles in its greatest length and 20 in breadth, and its principal inhabitants at present are of Bugis extraction — *Singapore Free Press*.

## MODE OF EDUCATING THE NATIVES.

TO THE EDITOR OF THE CALCUTTA CHRISTIAN  
OBSERVER.

My dear Sir,—I am somewhat surprised and concerned to observe, from the last number of your *Observer* received here, that there is still one man left among your correspondents so far blinded as to uphold the Roman character as the best means by which the people of India are to be educated. My own opinion may be of little value, and I should not have deemed it worth registering, were it not supported by that of almost all the most intelligent well wishers of India, in this and other parts of the country, with whom I have the honor of being acquainted. It is that the Roman character can never become general or popular: that the attempt to introduce it will only tend to add to the variety of characters in actual use, and proving futile, will still increase the already too great confusion. With ten thousand teachers of the Roman character and a crore of rupees to boot, I still feel assured that the attempt to uproot the now universally used characters would utterly fail. How can we ever expect that the brahmins, the astronomers and astrologers, rājās, diwans, saukārs, patels, patwāris, and zamindārs will abandon what they have been used to from childhood and found sufficient for every purpose, or what they revere and believe to have come from heaven, for characters that cannot express with the same precision the required sounds, and are therefore, in their estimation, inferior to their own? Shall we condemn the policy of the Emperor Nicholas, and still follow his example? I fully admit the goodness of the motive, and also the value of the object aimed at: but we cannot hold ourselves excused, in making an attempt with our eyes open to eradicate the Hindi and other characters from a nation, whose bigotry and superstitious reverence for all ancient things we have hourly occasions of noticing, and for which wise and prudent men should make every allowance.

Some progress has been made in teaching this character—but I ask to whom? In some places, to the half-starved children of Bundelodh emigrants, rescued from famine by public charity; in other places to the children of our sepoy at the stations, and of our other dependents: but these are not the nation, or a fair specimen of the nation, and will never be included in the literary class of the people.

I have fancied that BETA has begun to see the false step made by himself and his friends: that they are sensible of their error in not having taken the sense of the native public upon the question, and consulted its wishes: and that they now allow that a scheme not suited to the taste and reasonable wishes and prejudices of the people, and not commanding

their concurrence and support, cannot prosper, or be productive of any permanent good. If I am right in my suspicion, I hope we may soon see them candidly acknowledging their error and retracing their steps; such a course cannot but redound to their credit. It will, moreover, have the further advantage of restoring greater union amongst the friends of India, and in no work is this more required than in the important object of regenerating India.

The idle scheme has been peculiarly grateful to men wholly ignorant of the native languages and of the native character and prejudices: but these are not the men that will ever effect much, or triumphantly establish in native estimation the vast superiority of European science and European literature.

With regard to the adoption of the English language as a means of educating the people of India, I cannot but regard this as an equally irrational and impracticable scheme; as betraying a want of good philosophy, and of a sound knowledge of mankind and of the human mind, wholly unworthy of the high body whence it emanated. I strongly advocate the study of English for all who have time, talent, and ~~for~~ really to acquire it and to use it. But for the education of the body of the people, nothing—nothing but the vernaculars can ever be generally useful. Both the people and their spiritual teachers must have abandoned their faith, before they will consent to abandon those books and the languages in which they conceive the road to salvation lies, and by which it must be recollected, they gain their bread.

By confining our saukārs to the study of English, we should only be calling upon them to abandon their intercourse with all their commercial correspondents in the cities of foreign states.

No, no, my dear Mr. Editor; neither the Hindi in the Roman character, nor the English language, will ever enable their advocates, though they were one hundred-fold more numerous, and had one hundred-fold greater resources than they now have at command, to educate the people. That work can be effected only through the aid of the languages and characters in actual use among the people.

Some men have inveighed in fine speeches, and with all the fervor, and also with all the thoughtless inexperience of youth against the waste of time and money in printing correct editions of the Persian, Arabic and Sanscrit classics. But though I admit that the labours of Dr. Wilson, Dr. Tytler and other linguists, were by no means directed to sufficiently popular objects, still I must avow my

opinion that it is the super-eminent accomplishment of these gentlemen, and of their predecessors and compeers, and their highly popular and admired labours, which have raised up for us a character for liberality and toleration, that is now shielding us from the odium and other ill effects of the violent and oppressive and unpopular course recently adopted by the ruling faction in the Education Committee. With what genuine delight do the ministers and chiefs and wākils of this part of India dwell on the thorough acquaintance shewn by the author of the works on Hindu and Muhammadan Law (who accompanied the late Governor General in his tour) with their language, laws and religion! With what admiration do the maulavis and pandits who have served under or otherwise become acquainted with Dr. Wilson, and whom I have met here and elsewhere, dwell upon the varied accomplishments and distinguished labours of that gentleman!

Still, as I have above observed, that gentleman's public labours, highly as I value them, do not meet my entire approbation. They might have been made much more useful to a much greater number. He had the talent and other means at command by which he might have given all that was valuable in the learned languages of India, in a popular form, with the addition of such improvements and such new truths in morals and the abstract sciences, as had been established in the West within the last few centuries.

To illustrate the vast superiority of the vernacular languages as a means of conveying knowledge to the people, and the wisdom of availing ourselves of what is good and useful in their own systems, in order to recommend and support what further improvements and discoveries we have to give, I must inform you, and through you your many readers, as to the result of the experiment made here. A work written by Unkar Bhat in Hindi, and in the Hindi character, entitled "An Elementary Treatise on Geography and Astronomy, in question and answer, being a comparison of the Pauranic and Siddhantic systems of the world with that to Copernicus," was recently received here. The author after much patient inquiry and much deliberation and discussion, had given up first the Pauranic system for that of the Siddhants, and then that of the Siddhants for that of Copernicus. In writing his scientific dialogues, he gives all the doubts which had presented themselves to himself. He answers them by such arguments and by quoting such authorities as had carried conviction to his own mind. Well acquainted with this subject and with all the notions and false impressions to be removed, he addresses himself to his task in a mode which no European gentleman could do. He puts forth a work idiomatically written with all the scientific terms in use amongst the joshis of India, and in every respect exactly adapted to the tastes and state of knowledge among the people.

Mark the result. As I had many more copies than were required for the school, I au-

thorized the sale of 100 of them. In less than five days they were, every one, sold, and the demand for more reported to be still urgent! Brahmans, joshis, banyas, patwaris, mutasaddis and thakurs, all shewed themselves equally anxious to possess themselves of the learned Bhatjee Maharaja's work. Though full of typographical errors, which equally disappointed the author and the purchasers, still nothing can exceed the popularity of his little book. The teachers of the school and the scholars all wanted copies of this work to send to their friends; whilst other works on the same subject, had few or no recommendations for them. They said that the Bhatjee's work was the only one that their ignorant friends would be able to understand. It contained arguments, proofs and quotations, they said, that no joshi or even brahman could gainsay.

A similar but a much superior and a much more learned work by Soobajee Bappoo on the same subject, was lately printed at Bombay. He brings all the weight of his great learning to the support of the many valuable truths, and the exposure of all the vulgar errors connected with his subject. He derides the folly of astrological predictions, of belief in lucky and unlucky days: he advocates the advantages of travel: he points out the advantages of commerce in linking men of all countries in the firm bonds of an interested connexion and friendship. The work is written in Marhatta, but with a liberal use of all the Sanskrit writers, moral as well as astronomical, who have advocated any truth under discussion. Here the work has not had an extensive sale—it was not expected, the families of Marhattas here being but few. But it has arrested in a most signal manner the attention of the learned Marhatta Pandits and Shastris of Oujain, Sagar, Bhilsa and elsewhere. Krishna Rao, the superintendent of the schools at Sagar, was quite delighted, but no less surprised than delighted, at finding that a system which his English studies and predilections had disposed him to regard as true, could be so well and so admirably supported by their own learned authors. The joshis of the place highly approved of the work: a learned shastri was not convinced. "One of the best linguists in Bombay, well acquainted with the people, their literature and wishes, in a letter recently received from him, observes—'Your book has caused much interest here—I mean that of Soobajee Bappoo: it has been sent to all the jagirdars, and the diwan of Angria speaks highly of it: the quotations are much admired. One of the shastris of the Hindu College (at Poona) is, I am told, going to publish a reply to it, making out that the earth is flat, and shewing that the authorities have been perverted.'

Here you have proof of what may be effected by addressing your doctrines in a language, style and form adapted to native taste. These works are gradually finding their way, and will soon find their way into the hands of all who can read, of all the learned in Malwa and the Deccan. They are understood as they are read. They will carry conviction, or raise a

spirit of discussion and inquiry that will tend to elicit the truth. Now, I ask of you, when will an equal effect ever be produced by means of any English books? how can the same number of new facts and new ideas ever be conveyed in the English language or the Roman character to a whole people, at so small a cost—nay, at no expense at all?

Let the friends of English Education not be deceived by the interested reports of those men now hired to teach our language, who, afraid of losing their bread, will vaunt the success of their anti-national and suspected labours. Let them take a common-sense view of the case, take the opinion of the native public, of the *Reformer*, of JUNIUS, of the *Friend of India* (who seems to me to represent the public feeling most truly on this subject,) and, acknowledging their error, join with those learned and wise friends of the people in giving to them all the knowledge of Europe in a popular shape, and further recommended to their adoption by all the arguments, proofs and authorities afforded by the best native classical writers.

The present system—(how strange that it should have originated with one whose love for the people ever led him in every other question to uphold what was popular and national!)—is neither popular nor national. It not only does not command the votes and support of the people, but in its operation is working a vast deal of collateral mischief. The very zeal and talent and assiduity and cost, with which the study of English is forced on the people, have only magnified our future difficulties in imparting it. An ulterior object is suspected, and the real leaders of the people hold aloof. The zeal of those natives and students who support the new system, is certainly well sustained by the promise of service and the like; but it will not do. The time has not yet come. If you want proof of what I say, let me call your attention to the Muhammadan petition, which, I observe, is supported by the almost unparalleled number of 18,171 signatures. If the Romanizers and the Education Committee, can observe in this no sign of the times, no manifestation of the real wishes of the people, then God only knows how it will ever be made manifest to them. Let them shut their eyes and stop their ears. But the Right Honorable the Governor-General in Council to whom the petition is addressed will, I fervently pray, manifest neither equal blindness nor equal deafness. May wisdom guide his steps! is the prayer, Mr. Editor, of your well-wisher,

Mulga, August, 1836.

L. W.

The questions discussed in the preceding paper are both of great importance and demand the best attention of our readers. They are particularly deserving of full examination, now that national education, as we hope, is about to be seriously prosecuted by the Supreme Government. Our pages are now, as they have ever been, fully open to papers on both sides of the question.—Ed.]

*Christian Observer, for October.*

TO THE EDITOR OF THE BENGAL HURKARU AND CHRONICLE.

Sir,—I have read L. W.'s lively attack upon what I think, we may now call the prevailing system of native education, and upon the use of the Roman letters as applied to the Eastern languages.

The question regarding the Roman character is contained within a very small compass. The facility with which this character may be written quickly, yet legibly; the distinctness of the printed character; its capability of compression; its admitting of the freest use of italics, stops, marks of interrogation and admiration, and other guides to the reader; its superior cheapness, arising from the compactness of the type and the consequent diminished expenditure of paper and of the other materials of printing, are advantages which need not be dwelt on, because they are now seldom denied. Neither can any body fail to observe the national benefit which must arise, in the present incipient state of native literature, from all the languages of India being expressed by one common character, and that character the same which is used to express the literature of the most enlightened nations in other parts of the world. "If all the Indian dialects were presented in the same English character, it would be *seen* and *felt* that the natives are not divided into so many sections of foreigners to each other, that they have all fundamentally, the same language, and that without much difficulty, a community of interest and a beneficial reciprocation of thought, might be effected to an extent at present unknown, and, from the repulsive aspect of so many written characters, deemed utterly impracticable?"

The question is, therefore, merely one of experiment. The advantages are obvious, but are they attainable in practice? This is the point at issue, and it is one which can only be decided by actual trial. If, in making the trial, the advocates of the plan used any unfair means, L. W. might in that case justly complain. But what is the fact? The Education Committee has never yet interfered in the matter. The School Book Society has only lately printed one interlinear translation in the Roman character, after its popularity had been proved by the rapid sale of a previous edition. The way in which the experiment has been tried, has been this. Private individuals began to print books from motives of benevolence, and others followed their example as a matter of speculation. They print, and the people purchase or receive the books in gifts. I ask, what ground of complaint L. W. has either with one or the other? If the public think these books cheaper and better than others, why should they not be allowed to have them? No degree of clamour will deter those who have commenced the work, from carrying it to the end. They look only to the decision of the public. Three presses are now employed in preparing Dictionaries, Grammars and reading books. The

prospect is more favourable than ever. The vernacular language has been adopted in all the Revenue offices in the Upper Provinces, and exactly the same causes which led to the Persian letters being applied to that language, may now be expected to introduce the general use of the Roman letters. Persian was the language of education, and the vernacular language, therefore, naturally came to be expressed in the Persian character. Now English has taken the place of Persian as the language of education, and there seems to be no reason to doubt that it will produce corresponding effects on the popular language. Boys who have become familiarised to the use of the English letters, will not willingly have recourse either to the Nāgari or Persian, to say nothing of the intrinsic inferiority of those characters, and to the loss of time which must ensue from the use of three separate alphabets, while one is sufficient. Viewed with reference to a whole nation in all its generations, such a waste of time and labour becomes worth consideration.

I heartily concur in the sentiments of respect which L. W. expresses for the oriental attainments of the gentlemen named by him, as well as in his regret that they have not been applied to more popular objects. I highly approve of correct editions of the Sanskrit and Arabic classics being published. What I object to, is that they should be published by the Committee of Public Instruction, and be made the staple of native education.

L. W. next inveighs against the English language as a medium of Indian education, and recommends in preference some elementary controversial treatises in the native languages which have been lately published. It is needless now to prove what has been already fully demonstrated both by argument and experience. A vernacular literature can be created only by slow degrees, but a nation may immediately avail itself of the existing literature of other countries which are in a more advanced state of improvement; and in this way their knowledge is increased, their taste improved, and the materials are collected for the formation of a national literature. This is the process which has been gone through in every instance in which any very decided change for the better has taken place from without. The Romans read the Grecian letters, and adopted Grecian models of taste. The Roman provincials cultivated the Roman literature, and became equal to their masters. The modern nations of Europe did the same, until they had raised on this foundation a literature for themselves. Two hundred years ago even ladies studied Latin, because they had then no books worth reading in their own languages; but in the present advanced state of our literature, the study of the dead languages is confined to those who have leisure and inclination to add a knowledge of them to their other acquisitions. The Russian empire is at the present day a striking example of the process of national regeneration of which I am speaking. French, English and German are extensively taught there, and the educated communicate

to their own countrymen, in their own language, the superior knowledge which they themselves acquire through these foreign media. What the Russians are doing in the north, we are doing in the south of Asia. India is gradually becoming leavened by the introduction of European knowledge, and the lower classes are taught in their own, what the higher have learned in the English language. The English and the vernacular literatures are connected together as a river is with its fountain, as a tree is with its fruit. The one will be the result of the other. Those who discourage the study of English in order to encourage the vernacular literature, are manifestly labouring to defeat their own object.

I most highly approve of the elementary treatises in the vernacular language to which L. W. refers—so highly, that I have myself aided in the publication of some of them. I am also willing to admit, that in the distant province which is the scene of his labours, he could not at present adopt any more effectual mode of promoting a spirit of inquiry and raising European learning in general estimation. All I object to, is his quarrelling with us for adopting more effectual means of instruction than such treatises as these afford, in parts of the country where the preparatory process has been already gone through, and the people are actually greedy for European learning. L. W. is so enamoured of his own plan, that he cannot imagine that it is not equally applicable to every part of India. If he reflects, however, he must perceive, that nobody can be expected to follow a round-about path any longer than while the direct road is not open to him. Where would be the wisdom of entering into controversial discussions to disprove the Pauranic system of astronomy, with persons who are ready to admit the truth of the Copernican system, and are anxiously seeking to be instructed in it? How can we confine our youth to such meagre information as treatises in the native languages contain, while they are ready to pursue the study of the sciences to the full extent to which they are developed in English books? I lately saw a crowd of students waiting for admission into the Hooghly College, many of whom had already some acquaintance with English. How surprised and disappointed they would have been, if, instead of being enabled to enter on a course of English reading, they had been told that they must content themselves with such crumbs of science as have fallen upon the native languages, and must begin by hearing lectures on the inconsistencies which exist between the Purans and the Siddhānta, neither of which they have ever studied or even the least about!! Our business is to teach, and not to dispute; and as the youth of our own provinces are willing to learn all we choose to communicate to them, it is open to us to take the most effectual available means of teaching them. The vernacular language may become sufficient for the purposes of liberal education a century hence, but it certainly is not so now. At least the two next generations of the upper and middle classes must

be educated by means of foreign languages, and it is to be hoped that from among them numerous authors will arise, to enrich their national language with works in every department of literature and science. L. W.'s plan of treating the study of English as an object of very secondary importance, would put back the progress of improvement many years. It would be equivalent to driving our youth away from the fountain, and telling them to content themselves with what they can collect from a scanty streamlet. I, for one, will always lift up my voice against this course. My desire is, that they should not only study to the full our medicine, our mathematics and our natural philosophy, but that they should also imbibe the spirit of our works of taste, imagination, history and morals, until they have a Shakespear, a Hume, a Milton of their own.

L. W. recommends us not to be deceived by the interested reports of the English masters. If he intends this advice for the Education Committee, it is sufficient to explain that the reports of the masters are always commented on by the Local Committees, which include all the principal European officers, and in many cases, some of the leading native gentlemen at each station. He also advises us to be guided by the *Reformer*, the *Friend of India*, and JUNIUS. I have a sincere respect for all these authorities, and am happy to be able to say that I entirely agree with the *Friend of India* and the *Reformer*. They both advocate the teaching of English conjointly with the vernacular languages;—the English to those who have leisure to cultivate it to good purpose, and the vernacular languages to all, high and low, rich and poor; and so do I. They also advocate the encouragement of every well-directed effort towards the construction of a vernacular literature; and so do I. With JUNIUS, however, I only half agree. I agree with him as far as he recommends the encouragement of the vernacular literature, but I cannot agree with him in discouraging English literature. It appears to me that those who receive a liberal education through the medium of English, should also be taught to compose with ease and correctness in their own language, while every possible exertion should be made to prepare good books in the vernacular languages for the use of the body of the people, to whom, of course, English is not accessible.

L. W. next urges that the prevailing system of education is "neither popular nor national," that it "does not command the votes and support of the people," although "well sustained by the promise of service and the like;" and he recommends that we should "take the opinion of the native public" on the subject. In replying to this, the first thing to be determined is, what is meant by the terms "popular and national." There was a time when Sanskrit itself was introduced by a race of conquerors, as is proved by the incongruity of that language with the languages of the south of India and of many hilly tracts

in other quarters; yet Sanskrit is now incorporated in a greater or less degree with every Indian language. In much later times Arabic and Persian were extremely unpopular and anti-national, and they were introduced in a way which we should be sorry to see imitated: yet they also are studied by great numbers in every part of India, and have become to a great degree transfused into the vernacular dialects. In the same way English learning and English literature, which have hitherto been neither popular nor national, are daily becoming so in proportion as they are adopted by the people. To say that nothing ought to be admitted which is not national, that is, which does not already form part of the national stock, is the same thing as to say that there shall be no new acquisition, that there shall be no improvement. Nations, like individuals, can only enlarge their knowledge by adding to that which they possess, and the additions which are made from time to time, although at first unnational, become national by being generally adopted. L. W. would stare at any body who should say to him, on his taking up a new book, "Put down that book: you do not know it; therefore, you must not read it." Yet this is precisely what he is himself doing, when he is writing declamations to discourage the teaching of English, because it is not national.

The course which L. W. describes himself as pursuing towards the natives of his part of the country, is just as unnational as that which is followed by the Education Committee. What, indeed, can be more contrary to national prejudices and habits of thinking, than books which are written for the express purpose of controverting the authority of the shastras!! Yet the natives seem to be no more offended with his attacks upon the shastras, than they are with the English instruction which the Education Committee give without any reference to those sacred books. It is clear, therefore, that notwithstanding L. W.'s love for nationality, he is acting, like ourselves, in some degree on a different rule. If we did not, we might as well throw up the pursuit at once. By confining ourselves to teaching what is strictly national, we should have to teach many egregious errors, and should be debarred from all reference to the vast acquisitions which have been made since the Europeans passed the Hindus and Muhammadans in the race of knowledge. But if we lay it down as our rule only to teach what the natives are willing to make national, viz., what they will freely learn, we shall be able by degrees to teach them all we know ourselves, without any risk of offending their prejudices. This is the course which we have always pursued. We have "taken the opinion of the native public on the subject." We find that our plan does "command the votes and support of the people," without any "promise of service;" and that English learning, as taught by the system which we recommend, is popular, and is quickly becoming national.

The School-Book Society's operations furnish perhaps the best existing test of the real state of public feeling, in regard to the different systems, of learning which are now simultaneously cultivated in India. Their books are sold to any body who chooses to purchase them, and the proportions, in which they are disposed of, show the relative demand which exists for the different kinds of learning. The statement of the sales which have been made during the last two years, extracted from the Society's recently published Report, is as follows:

English.....	£.....	31,649	books.
Anglo-Asiatic, .....		4,525	"
Bengali,.....		5,754	"
Hindui,.....		4,171	"
Hindustani,.....		3,384	"
Uriya,.....		834	"
Persian,.....		1,454	"
Arabic,.....		36	"
Sanskrit,.....		16	"

This statement speaks for itself, and when we add to the above, the numerous English books said by the Editors of the *Friend of India* to be sold by their establishment and others, and contrast with this the very limited demand of which they complain for works in the Native languages, we see distinctly the direction of native feeling as it regards the purchase of books. To this we may add, that for some time past upwards of 3,000 youths have been receiving an English education in Calcutta alone, and that the taste for learning English there is daily on the increase. L. W. will probably reply, that Calcutta is not India, and that although one city may have become denationalized, the rest of India retains its primitive character. But Calcutta is the capital, and the capital must sooner or later make its influence felt through the whole country. One set after another of well educated youths, turned out from the Calcutta schools, must gradually leave the adjoining provinces; to say nothing of the effect which must be produced upon casual visitors, and even upon those who only hear of it from report, by the example of what is going on. What has lately taken place at Hooghly is an instance in point. On the College there being opened, English students flocked to it in such numbers as to render the organization of them into classes a matter of difficulty. There are now about 1,400 boys learning English only, about 200 learning Arabic and Persian only, and upwards of a hundred who are learning both English and Arabic or Persian. Notwithstanding this unprecedented concourse, the applications for English instruction are still extremely numerous; and there seems to be no limit to the number of scholars, except the number of masters whom the Education Committee is able to provide. In the same way, at Dacca there are 150 students, and it is stated that this number would be doubled if there were masters enough; and lately at Agra, when additional means of English instruction were provided, the number rose immediately to upwards of 200. These are mentioned merely as instances.

In the numerous seminaries under the Education Committee, there is no want of scholars. The difficulty is to provide masters enough to teach the numbers who are anxious to receive instruction. If this is not sufficient proof that the popular taste is favorable to English studies, I do not know what can be considered as such. It is preposterous to suppose that such multitudes can have been induced to flock to our schools by promises of service. Of the 1,400 youths, who presented themselves for admission at the opening of the Hooghly College, perhaps not one in a hundred was known to European gentlemen who had patronage at their disposal; not one was known to those whom L. W. considers the principal advocates of this system of education. No doubt, the boys who learn English regard their education as an important means of forwarding their future prospects; but so do those who learn Arabic, and Sanskrit, and Latin, and Greek, and every other language. I believe, however, that at the present period in India, those who learn English have a more reasonable ground for their expectation of success in life than those who learn any other language. In the Revenue offices in the Upper Provinces, the monopoly of Persian has been abolished, and the vernacular language has actually been adopted as the language of business. The same must soon take place in every other department of Government in every part of the British territories, and then how will the case stand? Every body who applies for employment will probably be able to read and write his own language nearly equally well, and the choice will be determined by the degree of general cultivation which the candidates possess. By so much, therefore, as the English language affords the means of obtaining a better education than any other language does, which is at present studied in India, in that degree will the young men who have received a good English education have an advantage over all others.

The last topic to which L. W. refers is the Muhammadan petition.

The prayer of that petition is, that the stipends which used to be given at the Persian and Arabic Colleges, but which were prospectively abolished by the decision of Lord W. Bentinck, confirmed by that of Sir C. Metcalfe, should be restored. This is a separate question, which will, no doubt, be decided after a full consideration of all the reasons which can be urged on both sides. The objections to stipends are, that to pay students as well as teachers, will be the same thing as diminishing the scanty fund which has been assigned to education by about one half. Not only are multitudes anxious to learn without fee or reward, but many are willing to contribute something themselves towards the expense\*. The great demand is for masters. If we have only masters enough, we can have

\* Note.—356 Students of the Hindu College pay from five to seven rupees per mensem each, for their tuition, and those who can afford it will probably soon be required to pay something at all the institutions under the General Committee.



any number of students. There is, therefore, no necessity whatever for paying students to learn, while to do so would cripple our resources in the most essential point. But independent of the cost, the principle of the stipendiary system is radically bad. The business of an Education Committee is to have those taught who are anxious to learn; not to crowd their lecture rooms with nominal students, but real paupers, who may come eager to obtain food, not for the mind, but for the body. So long as we offer instruction only, we may be sure that we shall have none but willing students; but if we offer money in addition to instruction, it becomes impossible to say for the sake of which they attend. Even boys who come with a desire to acquit themselves well, fall in with the general tone. These bounties on learning are the worst of bounties. They have this evil in common with bounties on trade, that they draw to a particular line a greater quantity of exertion than that line would, without artificial encouragement, attract, or than the state of society requires. They have also, when given in the form in which they are given both in the English Universities and in the Indian Colleges, this additional evil—that they paralyse exertion. A person who does not want to learn a particular language or science, is tempted to commence the study by the stipend. As soon as he has got the stipend, he has no motive for zealously prosecuting the study. Sluggishness, mediocrity, absence of spirited exertion, resistance to all improvement, are the natural growth of this system. It is also of great importance in a country like this, that the Government should have a real test of the wishes of its subjects in regard to the kind of education given. As long as stipends were allowed, students would, of course, have been forthcoming; but now the people may decide for themselves. Every facility is given, but no bribes, not even any “offers of service;” and if a larger number avail themselves of one kind of instruction than of another, we may be assured that it can be only owing to such being the bent of the public mind. If it were not for this, inferior modes might be persevered in from generation to generation, which, with an appearance of popularity, would really be only the result of the factitious support afforded them by the Government. However, we by no means pretend to dogmatise on this question, and if a plan can be devised which will preserve any good there may be in stipends, without their attendant evils, we shall be happy to see it adopted. A liberal distribution of pecuniary rewards would perhaps answer the purpose.

Calcutta, October 4, 1836.

C. E. T.

TO THE EDITOR OF THE BENGAL HURKARU AND CHRONICLE.

Sir,—In regard to the question whether we should endeavour to instruct the natives through the English language or their own, it seems to me that the subject is frequently perplexed by an erroneous assumption that the

native language and native literature must necessarily be arrayed on one and the same side of the question.

On the question referred to, I beg to offer my humble opinion, that the native languages should be the medium of instruction; but I am at the same time very averse to the encouragement of native literature beyond what will serve for the transference of European knowledge and ideas, and it seems to me that such transference would be best promoted by the adaptation\* and translation into common language of some well selected books, and that three thousand rupees expended in the preparation and circulation of such books, would more promote right knowledge and ideas, than all that is expended in Persian, Arabic and Sanscrit literature, and in promoting what must at best be a spiritless and blundering knowledge of the English language.

In interposing English, we interpose a formidable barrier to the diffusion of knowledge; for many years must be lost in acquiring what is called a fair knowledge of the language: and even after a whole life of study, not one native in a thousand acquires a full apprehension of the language: imperfect scholars in the language would frequently be false conductors of acquirement; while the narrow and circuitous stream of knowledge, would become still more narrow from the loss of their contributions who were discouraged by phraseological and other difficulties of the language, and who would study the language in the spirit of pedantry, and who thus would neither learn nor impart the knowledge which the language includes. Much would thus be corrupted and intercepted in its way through the English medium; whereas by the circulation of books in the native language, a full and pure stream might at once be supplied.

To illustrate the inaptitude of natives as disseminators of knowledge through the English language, I may mention that the well paid College of Moonshes at Madras have not, in nearly thirty years, produced a single translation or other work evincing the required aptitude; and I venture to add, that it has not produced one individual who could translate any thing more than mere narrative or naked statement with tolerable accuracy—not one who could translate a page of Adam Smith with less than four essential errors.

The idea of naturalizing the English language in India has, I believe, now been universally abandoned—that of naturalizing the English written character does not seem quite so unfeasible; but the most feasible measure of this kind which suggests itself to me, is that of establishing our own arithmetical symbols throughout India: this might be done by a simple order from Government; and much trouble and error, and also much necessity for keeping Brahminy accountants,

\* This is a most essential part of the process, and should consist in striking out all passages, similes and epithets, which are not easily rendered intelligible to natives.



and much risk of embezzlement, would be obviated by the measure.

It altogether seems to me, that we are beginning at the wrong end in our attempts to diffuse knowledge: that we are (as it were) bestowing trouble and money on the higher and more ornamental architecture of the temple of knowledge, which would be better employed in fixing and extending its foundations, by establishing primary education over the land, which would ensure a more general reception of such knowledge as we may circulate by means of books translated and adapted in the manner I have suggested; and, indeed, I doubt that any exotic knowledge will take deep and general root till the soil shall have been thus prepared: whereas, if the lowest classes were instructed to read and write, the mere love of distinction would stimulate those above them to higher knowledge, and I would also remark that a little goes much further in promoting primary education than in advancing the former, we indirectly, by the love of distinction, promote the latter, while the converse of this does not take place.

Furthermore, I think, we should consider the immense practical and immediate benefit involved in a generally diffused ability to read and write; for much oppression, fraud and litigation at present arise from so many signing what they cannot read, and from the facility of forging or successfully denying a mark when it stands for a regular signature.

But it is not so much *means* as *motives* that are required for the extension of primary education; for under a system which enables one to teach five hundred, nearly as easily as he could teach one, means can scarcely be wanting; and as to the motives, these might be presented by declaring the ability to read and write a condition of serving the Government even in the lowest capacities, and by granting certain penal immunities, such as exemption from stripes and the stocks, to those who can read and write; and if the municipal institutions of the provinces are ever to be popularized instead of continuing on the present hereditary irresponsible and stationary system, a powerful motive might be held out by making the ability to read and write a condition of voting regarding the appointment of the local functionaries.

Yours,

A CIVIL SERVANT.

[FROM THE BENGAL HURKARU AND CHRONICLE.]

We have been furnished with a copy of the report of the General Committee of Public Instruction for last year, the introductory part of which, containing an outline of the system on which the Committee acts, will be found in another page. Several years have elapsed since any report has been published by the Committee, but as they have now come forward with a voluntary recognition of the importance of giving publicity to their proceedings, and have solicited the Government that not only this, but *all their*

*future annual reports* may be printed for general information, we are not disposed to regard the past with severity. "The success of any plan of national education," they observe, "essentially depends on the possession of the public confidence by the conductors of it, and on the existence of such a degree of knowledge of the subject on the part of wealthy and influential members of the community as will suffice to secure their intelligent co-operation; neither of which objects, it is obvious, can be secured unless we are permitted periodically to make known the general results of our proceedings." These sentiments reflect honor on the Committee, and the Government also deserves credit for its ready acquiescence.

We have so often stated our general concurrence with the views of the Education Committee, that it is unnecessary now to enter into much detail. The Committee appear to have bestowed much care and attention in perfecting their system, and it is gratifying to observe, that the most complete union of sentiment exists between them and the Government. The following is the Resolution which has been recorded by the Supreme Government on their report:—

"The Governor-General in Council, having read and duly considered the papers referred to, expresses his unqualified approbation of the industry and ability with which the Committee have applied themselves to the execution of their trust, and his satisfaction at the extension which has been given to public instruction in India, at the intention of the committee to continue the encouragement which had previously been afforded as well to the Vernacular as to the English languages, and at the readiness which is evinced by all classes of the community to avail themselves of the advantages of Education."

We are very glad to see that the Committee has brought to the notice of Government the services of one of the earliest and most indefatigable friends of native education with a view to some public recompense being bestowed on him. The person we allude to is Mr. Hare. He was among the first in the field. His life has since been entirely devoted to the cause, and if it be allowed that the present advanced state of native intellectual cultivation in the capital is a national benefit, it must also be admitted that Mr. Hare, whose exertions have most essentially contributed to this result, has a strong claim on the gratitude of the public. The Committee's remarks regarding him are as follow:—

"With reference to what Mr. Sutherland has said regarding Mr. Hare, we think it right to call the particular attention of Government to the merits of this benevolent individual. Of all those who now take an interest in the cause of Native Education, Mr. Hare was, we believe, the first in the field. His exertions essentially contributed to induce the Native inhabitants of the capital to cultivate the English language, not as they had before done, to the slight extent necessary to carry on business with Europeans, but as the most convenient channel through which access was to be obtained to the Science of the West. He assisted in the formation of the School Society and the Hindu College, and he has since, year after year, patiently superintended the growth of those Institutions, devoting to this object, not, as might be expected, a portion only, but the whole of his time. He is constantly present as the encourager

of the timid, the adviser of the uninformed, the affectionate reprover of the idle or bad. Disputes among the Students are generally referred to him, and he is often called in as the mediator between parent and child. In these and in other ways, the cause of Native Education is much indebted to Mr Hare for its present advanced state, and we therefore think that he is entitled to some recompense from the public. We trust that your Lordship in Council will take the subject into serious consideration, not only out of regard to Mr. Hare's claims, but also with a view to mark the light in which efforts like his for the intellectual and moral improvement of the people, are considered by the Government of India. There is no fear of establishing an inconvenient precedent. Few will be found, like Mr. Hare, to bestow years of unremitting labor upon this object, noble and interesting as it is, without any expectation of reward except what is to be derived from the gratification of benevolent feeling."

The Government in reply enquire what kind of public acknowledgement the Committee wish to see made to Mr. Hare, and we may therefore hope that it is intended to confer a reward on him suited to his circumstances and to the nature of his services.

We take this opportunity of calling attention to an ingenious letter which will be found in our columns signed A CIVIL SERVANT. We cannot, however, say that we agree with him. In every age and country, the progress of knowledge has been downwards, from the upper to the lower classes, and it is obvious that it must always be so. Those who are above the pressure of immediate want, have alone leisure to complete their education, to continue the cultivation of their minds in after life, to place on record, by publications of various kinds, the knowledge which they have so acquired. They have alone the wealth and influence necessary to organise the means of general enlightenment, and their example is alone extensively efficacious. Yet the CIVIL SERVANT proposes to reverse this natural order, and to make enlightenment ascend from the lower to the middle and upper classes!! If this plan were to be adopted, the highest standard of intellectual cultivation would be the small modicum of reading and writing, which the poor man is able to acquire before he takes to the plough or the loom; no books would be composed, because nobody would have either the education or the leisure which would qualify him to compose them; the higher branches of learning, both intellectual and moral, must be neglected; medicine must cease to be studied to any extent, and the development of the resources of the country, which is so eminently promoted by the study of many of the sciences, must be greatly retarded. No doubt, if we had the means, we ought to educate all, both of the upper, middle and lower classes. But what is the fact? Our means are extremely limited, while there are millions of all classes to be educated. We must for the present make a selection, and it is clearly our duty to select those by educating whom we shall soonest be able to extend the same benefits to the rest. The upper and middle classes are the best channels for the communication of knowledge, and we ought, therefore, to direct our attention in the first

instances to them. They will be our schoolmasters, translators, authors, none of which functions the poor man, with his scanty stock of knowledge, is qualified to perform. They are the leaders of the people. By adopting them first into our system, we shall be able to proceed a few years hence, with an abundant supply of proper books and instructors, and with all the wealth and influence of the country on our side, to establish a general system of education which shall afford to every person of every degree the means of acquiring that extent of knowledge which his leisure will admit of.

The CIVIL SERVANT doubts the advantage of using the English language as the medium of instruction, because it has not been found to be productive of benefit in the Madras Presidency. He alludes, in support of this view of the subject, to the "well paid College of Moonshees at Madras," but he certainly could not have adduced a more unfortunate illustration. Who could expect to reap the fruits of English learning from such an ungenial soil as "a well paid College of Moonshees!!" The truth is that the English language is useful only as a medium of instruction, and if pains are not taken to make it the channel for the communication of English learning, the study of it will be of little avail. If such institutions as the Hindu and Medical Colleges existed at Madras, our friend would, we think, acknowledge that the study of English will be indispensable for the cultivation of the Native mind, wherever it is intended to give any thing like a liberal education, until some master-works, like those which exist in English, have been produced in their own languages. There is no part of India where a smattering of English is so prevalent as in the Madras presidency, and that quarter, therefore, affords more than ordinary facilities for the formation of English schools of science. We hope to see those scattered seeds of learning which are now suffered to remain uncultivated, if they are not converted to bad purposes, soon turned to good account.

The CIVIL SERVANT observes, that he believes that "the idea of naturalising the English language in India, has now been universally abandoned." To the best of our belief, such an idea has never been entertained. It certainly never has been entertained by any of those who have taken the lead in the cause of education on this side of India. What they conceive is, that English bears the same relation to the vernacular languages of India as Latin did to the English at the time of the revival of letters; that for some time to come, no person can be a well informed man without it. In the want of a Native literature; and that even when a vernacular literature has been formed, although English will no longer be an indispensable part of good education, as it is at present, it will ever continue to be an interesting and improving study to those who have leisure to cultivate it.

He then goes on to say, that the idea "of naturalising the English written character

does not seem quite so impossible," and proceeds to suggest a measure which appears to us to be deserving of serious attention. It is to desire all the Native servants of Government to substitute the English arithmetical symbols for the Native. This would only impose on each Native officer the trouble of learning ten figures, and it would at once introduce uniformity into the accounts, instead of the present confusion of English, Persian, Nagaree, Mahajunee and other figures. The advantage is obvious and easily attainable, and we are surprised, that the proposal has never been made before. It deserves the very serious attention of the Government of India.

We recommend to all conductors of schools in the native languages to teach the English, as well as the native figures. This will be a matter of the utmost ease. The system of decimal notation is common to both, (we derived it through the Arabs from the Hindus,) and, in some cases even the shapes of the figures are the same.

#### REPORT OF THE GENERAL COMMITTEE OF PUBLIC INSTRUCTION.

*The Right Honorable George, Lord Auckland, G. C. B., Governor-General of India in Council.*

MY LORD,—We have the honor to report our Proceedings for the year 1835.

This year constitutes an epoch in the history of our Committee. In the early part of it, a well defined principle of action was for the first time prescribed to us,\* and the remainder of it was occupied in bringing the system, with the superintendence of which we are entrusted into gradual conformity with that principle. Our arrangements for this purpose are now nearly completed, and we propose to commence this Report by describing the Government system of education as it is at present organized.

The General Committee consists at present of 17 Members, one of whom (the Secretary to Government for this Department) is so ex-officio, two are elected in rotation by the Native Managers of the Hindoo College, and the rest are appointed by Government indiscriminately from among the society of the capital. None of them are paid. The Secretary alone receives a salary of 500 Rs. a month.

The General Committee seldom meets. Its usual course of proceeding is for the Secretary to note the points which require decision in a blank book, which is circulated among the members, and the majority decides.

The transaction of business is very much expedited by the appointment of Sub-Committees, chosen from among the Members of the General Committee. There is a standing Sub-Committee for the management of our finances, another for the selection of books and other instruments of instruction, another for the selection of school-masters, and one for each of the Colleges at, and in the immediate neighbourhood of Calcutta, besides others which are occasionally appointed for temporary purposes. The members of the Sub-Committees are generally proposed by the President and approved by the members of the General Committee. They usually transact their business by meeting in person, and they

send up their recommendations to the General Committee, which adopts or rejects them as they think proper. The Sub-Committees seldom consists of more than three members, who are selected with a particular reference to their own wishes and means of information. The President and Secretary are members of all the Sub-Committees.

The following Seminaries were established previously to the year 1835.

Calcutta..... { Hindu (Anglo-Indian) College.  
Mahomedan College.  
Sanskrit College.

Moulmain.  
Hoogy.  
Moorsheadabad.  
Bhaugulpore.

Benares..... { English Seminary.  
Sanskrit College.

Saugor.  
Allahabad.  
Agra.

Delhi..... { English College.  
Oriental College.

The following were established in the year 1835.

Medical College, Calcutta.  
Pooree.  
Gawahati.  
Dacca.  
Patna.  
Ghazee pore.  
Meerut.

And the following are now in the course of being established and will be reported on at the beginning of next year.

Rajshahi.  
Jubbulpore.  
Hoshungabad.  
Furruckabad.  
Bareilly.  
Ajmere.

Being in all 27 Institutions, and it has been resolved to establish another at Sehere, if the neighbouring Native States will consent to bear half the expense. The positions of the different Seminaries will be seen by a reference to the accompanying Map, executed by Sree Nath Ghose, a student of the Hindu College.

Each of these Institutions is under the charge of a Local Committee selected from among the European and Native Gentlemen of the place, who take the greatest interest in the cause of Education. In all the recently formed Local Committees, the duties of Secretary, which are very light, are performed gratuitously, and we hope that this arrangement may soon be made general. The officers of the Seminaries are in every respect under the orders of the Local Committees, and the Local Committees are in every respect under the orders of the General Committees. Copies of Circular Instructions will be found in the Appendix,\* which will give some idea of the kind of control which is exercised by us over the whole system. It will also be seen that, with the double view of stimulating exertion, and providing ourselves with a certain test of the progress of the pupils, we have desired that the two best Essays and Translations may be regularly forwarded to us after the Annual Examination, and we assign to the authors such pecuniary rewards, as they may seem to deserve. A Sub-Committee will probably be appointed from among our number for the purpose of accurately examining these exercises.

In extending our operations, we endeavour to keep two objects simultaneously in view. We try to widen

\* This important Paper dated the 7th March, A. D. 1835, which is now the rule under which we act, will be found in the Appendix No. 1.

the foundations of the system, at the same time that we consolidate and improve it. It would be our aim, did the funds at our command admit of it, to carry the former process on, until an Elementary School for instruction in the Vernacular language should be established in every Village in the Country, and the latter, until a College for Western learning should be endowed at the principal Town of every Commissionership, or circle of two or three Zillahs, and ultimately in every Zillah.

When a School at any principal station has been established for a sufficient time, it will become our object to engraft a College upon it. For this purpose when circumstances admit of our effecting it, a qualified person is appointed on a handsome salary who holds the united office of Principal and Professor. In the former capacity he is charged with the entire control of the Institution, subject to the authority of the Local Committee, and the latter he gives personal instruction to the more advanced pupils in some branch of knowledge. As the necessity arises and means are found available, more Professors are appointed. We consider it of importance that both Masters and Professors should reside in the immediate neighbourhood of the Institution, and for this purpose we are always ready, when we have funds at command, to build houses for them, which they occupy rent free.

The first Lectureship which we shall always wish to see established, as the studies of the youths in our institutions became more advanced, is one on "English composition and literature." The object of this is not merely to enable the young men in the senior classes to acquire a good style of English composition, but also to give them a general acquaintance, before they leave College, with the extent and nature of the existing English Literature. We expect by these means to encrease their taste for reading, at the same time that we enable them to select proper subjects for study in after life. In order to serve as a class book for these Lectures, we have induced the School Book Society, by offering to take half the impression, to undertake the publication of a book of Selections\* from the English Poets from Chaucer downwards in the order of their dates, and we shall shortly commence the preparation of a corresponding volume in Prose.

As another means of enabling the pupils to cultivate and indulge a taste for reading, we have resolved to annex a good library to each institution. A supply of entertaining and instructive juvenile books has been ordered by us from the United States of America, part of which has already arrived, and we have prepared with great care, a list of standard works which will form the staple of these libraries. Raja Bejai Govind Sing's donation of 20,000 rupees has been appropriated to this object, and a book-seller at this place has contracted to supply us with from 6 to 14 copies of each book included in the list at about the London cost price. A copy of the list and circular letter which we have issued to the Local Committees prescribing rules for the management of the libraries will be found in the Appendix.† We are in great hopes that the libraries will receive many accessions from donations of books by persons anxious to promote the spread of knowledge in this country.

Next in order to a professorship of literature, we conceive it to be desirable to proceed to establish at each of our institutions a professorship of Mathematics and Natural Philosophy. Law would occupy the third place, but at present this branch of instruction is attended with many difficulties, arising from the number of conflicting systems of law which prevail in this country, and the various languages in which they are embodied. The labors of the commission will, we hope, soon supply a condensed body of Anglo-Indian Law in

the English and Vernacular languages, and it will then be proper to adopt measures to procure qualified legal instructors for each of our more important seminaries. We conceive that great advantages must result to the judicial administration from encouraging the best educated, who are also, we hope, the most moral and upright of the native youth to seek employment in it.

We are anxious to give a liberal degree of encouragement to the study of surveying. Practical surveyors of respectable character and attainments, are much required both in the Judicial and Revenue Departments, particularly in the Lower Provinces. The experience of some of our members lead us to believe that every zilla and city Judges Court should possess one, if not two, such surveyors capable of making a field survey and of furnishing an intelligent and scientific exposition of any points dependant upon personal enquiry. In the Revenue Department, also, we are informed that there is not a greater desideratum than a set of surveyors of scientific acquirements, of respectable character and unconnected with the native amle, to conduct the very extensive field operations which are continually in progress, and to secure the interests of Government in resumed and purchased estates. As yet, surveying is taught only at two of our institutions, the Hindu and Mahomedan Colleges at Calcutta, but we are very desirous that the study should be commenced at some of the others. Until this takes place, it will be impossible to raise up an adequate supply of surveyors who will be content with moderate rates of remuneration. The exertions of Mr. Rowe, the teacher at Calcutta, have been very successful, of which the map which accompanies this report, is one proof.

The Sub-Committee for the selection of books is now employed in revising the class books used in our different Institutions. It is not intended to impose strict limits on the discretion of the Local Committees in this respect. Our object is to bring to their notice the best works on each branch of education, and to prevent the loss of time which often arises from the use of inferior books and methods at places far removed from the sources of information.

As yet no uniform system of Elementary Instruction has been prescribed to our School Masters. We thought that there was danger in insisting upon uniformity at so early a period, in a matter which is only beginning to be understood in this country. Had we done so, inferior modes might have been enjoined by us, and many improvements which have arisen out of the comparative freedom with which our School Masters have been left to pursue their own plans, would never have been suggested. We intend shortly, after full communication with the Local Committees and the Professors and Masters of the different Seminaries, to draw up a plan for general guidance.

As we have often had reason to complain that Prizes have been given with a degree of profusion which in a great measure counteracted their object, we issued a Circular, of which a copy will be found in the Appendix,\* directing that only one Prize be given in each department of study in each class. As the Annual Prizes consist, for the most part, of books, they offer an attractive mode of communicating a great deal of valuable information to the most intelligent portion of the rising generation, and it is therefore a great object to select for the purpose the most entertaining and instructive books procurable. We should be glad if the Local Committees would undertake this duty themselves, and the expense of the books might be defrayed out of the produce of an annual subscription to be opened for the purpose on the spot. We have neither the necessary leisure nor information to enable us from time to time to select appropriate prize books for all the 27 Institutions under our

\* The Selection was made by Captain D. L. Richardson.

† No. 2.

• No. 4.

charge, and this is also one of those fluctuating expenses which it is very desirable should be defrayed, to as great an extent as possibly, from local resources.

We are deeply sensible of the importance of encouraging the cultivation of the Vernacular languages. We do not conceive that the order of the 7th of March precludes us from doing this, and we have constantly acted on this construction. In the discussions which preceded that order, the claims of the Vernacular languages were broadly and prominently admitted by all parties, and the question submitted for the decision of Government, only concerned the relative advantage of teaching English on the one side, and the learned Eastern languages on the other. We therefore conceive that the phrases "European literature and science," "English education alone," "imparting to the native population a knowledge of English literature and science through the medium of the English language," are intended merely to secure the preference to European learning taught through the medium of the English language, over oriental learning taught through the medium of the Sanskrit and Arabic languages, as regard the instruction of those natives who receive a learned education at our seminaries. These expressions have, as we understand them, no reference to the question through what ulterior medium such instruction as the mass of the people is capable of receiving, is to be conveyed. If English had been rejected and the learned eastern tongues adopted, the people must equally have received their knowledge through the Vernacular dialects. It was therefore quite unnecessary for the Government, in deciding the question between the rival languages, to take any notice of the Vernacular tongues, and consequently we have thought that nothing could reasonably be inferred from its omission to take such notice.

We conceive the formation of a Vernacular literature to be the ultimate object to which all our efforts must be directed. At present, the extensive cultivation of some foreign language, which is always very improving to the mind, is rendered indispensable by the almost total absence of a Vernacular literature, and the consequent impossibility of obtaining a tolerable education from that source only. The study of English, to which many circumstances induce the natives to give the preference, and with it the knowledge of the learning of the west, is therefore daily spreading. This, as it appears to us, is the first stage in the process by which India is to be enlightened. The natives must learn before they can teach. The best educated among them must be placed in possession of our knowledge, before they can transfer it into their own language. We trust that the number of such translations will now multiply every year. As the superiority of European learning becomes more generally appreciated, the demand for them will no doubt increase, and we shall be able to encourage any good books which may be brought out in the native languages by adopting them extensively in our seminaries.

A teacher of the Vernacular language of the province is already attached to several of our institutions, and we look to this plan soon becoming general. We have also endeavoured to secure the means of judging for ourselves of the degree of attention which is paid to this important branch of instruction, by requiring that the best translations from English into the Vernacular language, and vice versa, should be sent to us after each annual examination, and if they seem to deserve it, a pecuniary prize is awarded by us to the authors of them.

The improvement of the Vernacular literature, however, is most intimately connected with the measure of establishing a system of really national education which shall in time embrace every village in the country. Should the series of reports on which Mr. Adam is now engaged, lead to such a plan being even partially acted upon, the demand for improved school books in the Vernacular

languages will then be such as to call for our utmost exertions to supply them. We have already received propositions from Delhi, Agra and Saugor, for establishing village schools, but we considered the agitation of the subject at present premature. Before we can successfully adopt any plan for this purpose, much larger means must be placed at our disposal, and a much larger number of qualified school masters and translators must be raised up. The first of these desiderata does not depend upon us, but the last is every day approaching nearer to attainment. Our existing institutions form the nucleus of a much more general system of education, and they will ere long become capable of being extended to any degree that may be desired, by the formation of district schools in connection with them.

The superior Education imparted at the Government Seminaries ought to be made available to the fullest practicable extent for the improvement of the Revenue and Judicial Administration, and it is obvious that the Patronage of Government would react upon the Seminaries and stimulate the Students to increased exertions. What is at present most required is the establishment of some regular channel, through which the most distinguished Students could obtain admission into the public service, without having to go through the ordeal of a long attendance at the Courts of Justice and the Revenue Offices, which may oblige them to court the favor of the ministerial officers, and often to become dependant on them. The plan adopted at the Mahommedau College at Calcutta and more lately at the Agra College, appears to us well calculated to answer the purpose, and we hope it will be generally had recourse to. It is to circulate among the neighbouring functionaries, after each annual examination, a list of the Students whom the Committee can recommend for appointments, with the necessary explanation on the character and qualifications of each, in order that those who have the disposal of the Public Patronage may have an opportunity of providing for deserving Students.

Some information will be expected from us regarding the manner in which the abolition of stipends has worked; the simplest way of furnishing which will be to show the increase and decrease of pupils at each Institution at which stipends are allowed, since the new rule took effect. The following statements, therefore, include all, both stipendiary and non-stipendiary.

The most complete return on this subject has been received from Delhi. The following is the average monthly attendance of the pupils in each department of study at that place for eight months before and after the order of the 7th March 1835:

	English.	Arabic.	Persian.	Sanskrit.
From Sept. 1834 to } April 1835	198	45	132	66
From May to Dec. } 1835	197	47	111	60

In the Agra College the Students in the different departments stood as follows at the two last annual examination:

	English.	Arabic.	Persian.	Sanskrit.
On the 31st Dec. 1834.	36	26	205	113
Ditto..... 1835.	75	25	192	113

In the Sanskrit College at Benares there was 281 Student: at the end of 1834 and 282 at the end of 1835.

At the Benares Seminary in which English is principally studied, the Students have increased from 89 to 136.

At the Sanskrit College at Calcutta they have fallen off from 181 to 136.

At the Mahommedan College the number of stipendiary Students in the Oriental Department, has diminished by the lapse of stipends from 85 to 62, but the number of those who do not receive stipend, of whom from 60 to 79 are generally in attendance, remains much the same as before. Although stipends have been

prospectively abolished, the students of this College still possess some advantages which the others do not; such as free quarters and a certificate on leaving College, which enables many of them to obtain employment in the Judicial Establishment. In the English Department of the College the Students have increased from 31 to 134.

At the Hindu College where only 10 stipends are given, the number of pupils has increased from 346 to 407.

Stipends are also allowed at the Medical College and the Bhaugulpore School, but as it is done in these instances with a view to particular objects, we do not consider it necessary to do more than advert to the fact.

Stipends are not allowed at any of our other Institutions, while at the Hindu College, with the exception of the 10 stipends above mentioned, an exactly opposite practice is followed: money being there demanded from the Students for their Education, instead of their being paid to accept of it. We conceive this to be the correct principle, and we shall keep the general establishment of it in view. As a preliminary step, we hope, with the assistance of the Local Committee, to be able soon to require that every boy must pay for the books used by him. We are satisfied that after these changes shall have been effected, the advantages of our Seminaries will be more highly appreciated, more regular attendance will be secured, and the means at our disposal for improving and extending our operations will be greatly augmented. Justice also seems to require that each individual who avails himself of the benefits afforded by the Public Seminaries, for the Education of his children, should contribute as much as he is able to their support, and that, what cannot be supplied from this source should alone be paid out of the General Revenue.

Persons of all ages, religious opinions and castes are admitted as pupils in all our Institutions, except the Hindu, Mahomedan and Sanskrit Colleges at Calcutta and the Sanskrit Colleges at Benares. No inconvenience of any kind, has been found to result from this rule, while the contrary one has encouraged the prejudices which it was meant to conciliate.

After this general description of the manner in which the system is organized, we proceed to report upon the state of each institution.

We return to the Education Committee's report, which we shall not leave until we have extracted every thing which seems deserving of attention.

The first institution adverted to is the Medical College on which there are the following remarks:

We shall not in this Report enter into any detailed account of this Noble Institution. It has only been open for the delivery of Public Lectures since the beginning of the current year, and we were unwilling to take up the time of the Principal and to anticipate the execution of his plans, by requiring from him what at the present period, must have necessarily been an imperfect Report. We cannot, however, pass over an instance of well directed private munificence connected with the College on the part of Baboo Dwarkanauth Thakoor. On the 24th March last, the Baboo wrote to Mr. Principal Bramley as follows:

"I am unwilling to offer you my congratulations upon the success which has attended your undertakings in the Medical College, without showing that my feeling towards the Institution are more substantial than those which words only can express.

"Should all your expectations be realized, and there is every reason to believe they will, the Medical College cannot fail to produce the happiest results amongst my

countrymen. No man, I assure you, is more sensible than I am, of the benefits which such an institution is calculated to dispense, but I know also that you have many very great difficulties before you, and the greater part of these you will have to contend with at the outset. My own experience enables me to tell you that no inducement to Native exertion is so strong as that of pecuniary reward, and I am convinced you will find difficulties disappear in proportion to the encouragement offered to the Students in this particular.

"As an individual member of the Native community, I feel it belong to us to aid, as far as lies in our power, the promotion of your good cause. At present this can hardly be expected on any very great scale, but as example may be of service to you, I for one will not be backward to accept your invitation to my countrymen to support the College.

"I beg, therefore, as an inducement to the Native Pupils now studying in the Institution, and to those who may hereafter enter, to offer the annual sum of 2,000 rupees for the ensuing three years, to be distributed in the form of Prizes. In order that these may be of substantial value to the candidates, I propose that the Prizes should not exceed eight or ten in number, and that they should be available to Foundation Students only and Natives bona fide pupils of the College. All other arrangements in regard to their distribution I leave to your discretion."

The Baboo was informed in reply, that the General Committee highly estimated the enlightened philanthropy by which his offer had been dictated.

Baboo Ram Gopal Ghose also presented nineteen volumes of new Medical Works, many of which were of a valuable kind, to the College, for which he received the thanks of the Committee.

Our next Annual Report will include a full detail of the Proceedings of this College during the current year."

These instances of enlightened beneficence corroborate the remarks which we made in our last, on the letter of the CIVIL SERVANT. If, instead of admitting the youth of the upper and middle classes to a full view of the superiority of European learning, we had begun by giving a national school education to ploughboys and artisans, we should not now be receiving the pecuniary, and still more the moral support, which is afforded by these contributions; neither should we have the ample supply of cheap schoolmasters who are now being sent to Hoogly and other places in the neighbourhood, to extend to the country at large the intellectual advantages which the capital already enjoys. The same class will hereafter supply authors in all the different departments of learning, and we should be glad to see some persons of distinction among their countrymen set the example. We trust much more to original works in which European knowledge will be recast in a form adapted to native habits of thinking, than to bare translations. We must not, however, be disappointed if books in the native languages do not come out as fast as we wish. The formation of a national literature is not the work of a day. At present the great demand is for direct English instruction, which, we think, is justly considered by the education Committee as "the first stage in the process by which India is to be enlightened." It is yet seed time, but the harvest will come in due course.

The next institution reported on is the Hindu College. At the end of 1834, there were 346 pupils on the College rolls, of whom 286 were pay scholars. At the end of 1835, there were 407, of whom 347 paid for their education. The time perhaps has not arrived when payment can with advantage be required from all the students in the Provincial institutions, but we think that the principle ought to be at once established by intimating to parents who are known to be in good circumstances, that a small fixed contribution is expected from them in return for the education of their children. It is easy to set out right, but when habits have once been formed, they are not always easily overcome. The money collected in this manner may be employed in purchasing prize and class books, which will help to relieve the General Committee from those contingent demands which, they complain, fall so heavily both on their time and on their pecuniary resources.

As the Hindu College serves in a great measure as a model for the other institutions, we shall make liberal extracts from the report on it:—

#### SENIOR DEPARTMENT.

"To ascertain the individual and general proficiency of the pupils of this department in English Literature and Grammar, each pupil was separately and minutely examined by me in pieces of English Poetry selected from classical authors and adapted to the attainments of each class. This process, however slow and tedious to the Examiner, seems to me indispensable for the ascertainment of the relative progress of the pupils and attention of the Masters.

"If the greater number of any class be found able (after short reflection) to explain the sense and grammatical niceties of a suitable piece of English Poetry which has not been read at School, a favorable judgment may be formed as to the attention of both teacher and taught. Of all the classes tried by these tests, I am happy in having it in my power to report favorably. Most of the pupils in the first class, who are under the individual tuition of Captain Richardson in particular, acquitted themselves in a manner highly creditable.

"The Reverend Principal Dr. Mill, at my request undertook the examination of the three first classes in Geometry and Algebra, and I annex his report with the questions fixed by him as a test for the examination. It will be seen on reference that several correct solutions of several problems requiring respectable Mathematical attainments are given.

"In History the first three classes were examined by written questions varying in difficulty and adapted to their reading and attainments. The facts are generally correctly stated and the answers of several of the pupils, particularly of the senior, are creditably composed.

In the composition of the senior pupils I observe indications of improvement since they have had the benefit of Captain Richardson's instruction. Their merits were tested by two Exercises, one an Essay on the writings of Pope and Shakespeare, written in the College Hall, and the other an Essay on the influence of the invention of Printing composed at their homes. Specimens of those by me deemed best are submitted.

"In Geography in the lower classes I found a falling off, which I attribute in part to the removal of Mr. Sinclair (who took much pleasure in bringing forward his pupils in this science and encouraging map-drawing) and to the inexperience of his successor. I have pointed

out this defect to the Head Master, suggesting that some regular system for improving Geographical knowledge should be introduced and the plan of projection of maps revived.

The progress of the pupils in Surveying and plan-drawing I consider satisfactory. I find the general standard of their attainments in the art raised. The more advanced of the pupils are now expert in the use of the Theodolite and Field Book, being at the same time accurate and neat in projecting results on paper.

"In Bengali the attainments do not in merit range higher than of last year.

"It is a pleasing part of duty to express my satisfaction in the zeal and attention of Captain Richardson, Mr. Middleton the Head Master, and (with one exception to be noticed) of the Masters under them. To this cause may be fairly attributed the growing popularity of the Institution, evidenced by the increase of pupils whose numbers now nearly exhaust the accommodation afforded by the College walls. Such is the accession, that the Managers are obliged to transfer an entire class from the junior to the senior department in order that room may be obtained for the new pupils.

"I cannot conclude this without again noticing the invaluable services which Mr. Hare, my co-visitor, continues to render to the Hindoo College and the cause of education generally. Such disinterested services (inappreciable as they are by money) merit, I think, some public acknowledgment from the General Committee, and indeed from the Government itself."

The Prize essay which will be found in the Appendix,\* and the specimens of elocution which your Lordship and the other Members of Government heard at the last Annual Exhibition will confirm the favorable report made in the above extracts.

We are under considerable obligations to Principal Mill, who with most disinterested zeal for Native improvement, has for many years past conducted the Mathematical Examination in this Institution as well as in the Mahomedan College.

With a view to render the Superintendence of the College more efficient, as well as to keep ourselves better acquainted with its wants, a Sub-Committee has been appointed from among our own number, to whom all communications connected with the College are submitted for consideration before they are sent up to the General Committee. The Members of the Sub-Committee also visit the College and examine into the details of management, a month being assigned to each of them in rotation for that purpose.

We hope that the very valuable Chemical Lectureship which has been established at the Medical College, will be attended by many of the Hindu College Students. We shall afford every facility to their doing so.

We anticipate very great advantage not merely to the Hindu College, but also to the Indian community in general, from the Lectures on the general principles of jurisprudence which Mr. Cameron has undertaken to deliver.

It is much to be regretted that other classes of the community besides Hindus are not admitted to the benefits of this fine Institution.

We quite concur in the regret expressed by the Committee that this otherwise excellent institution is so exclusive in its character. If ever the inhabitants of this great country are to become an united people, a foundation must be laid for it in the seminaries for the

education of their youth. Children are unconscious of the distinctions of caste, which is entirely an artificial institution, the result of instruction and habit. All that is required to be done, therefore, is to allow young people freely to indulge their social propensities, and to grow up in habits of union among themselves; but, instead of this, we have at Calcutta confirmed this bad institution by the sanction of Government and trained up the youth of each class in habits of separation from the rest. This error, for which neither the present Government nor the present Committee are responsible, and which perhaps they act wisely in not attempting now to correct, has been avoided in all the recently formed institutions, and the Christian, the Mahomedan and the Hindu may be seen in any of them seated side by side engaged in the common study of English literature.

The following are extracts from the Mahomedan College report:—

*Mr. W. H. Macnaghten's Report on the Examination of Candidates for Law Certificates.*

"The examination was conducted in the same manner as on every former occasion, except that, in addition to the written exercises which had been previously selected, several interrogatories were orally propounded to which the Students were required to give replies without preparation.

"The exercises which the Students were required to read and explain were extracted from the Chapter of Moozaribut or Copartnership in the profits of Stock and Labour, of Moozarat, or compacts of cultivation, of Rulun or Pawns, of Kismut or partition and of Junaet, or offences against the person.

"Written interrogatories were put to them on the subject of Furaz or Inheritance, Shufa, or pre-emption and sale, and the oral questions on different branches of both the civil and criminal law.

"I was less satisfied with the reading of the candidates on this than on any former occasion, and very few of them were able to furnish satisfactory replies to the questions really propounded. Their inability was ascribed by the Professors (and perhaps justly) to the novelty of this mode of examination which was quite unexpected.

"The written exercises were for the most part performed correctly. Those of the candidates whom I have placed in the first class were performed not only with accuracy, but in a manner which clearly indicated great legal acquirements. The exercises of those whom I have placed in the last class were incorrectly performed.

"Upon the whole I would separate the students into classes as follows; and I would recommend that those in the 1st class should receive certificates, and that those of the second should obtain such pecuniary or other rewards, as it has been usual to bestow on meritorious students.

1ST CLASS.

Ghulam Hyder.  
Ghulam Nubbee.  
Buqa Oolla.  
Ghulam Yahia.

2D CLASS.

Fuzli Ahmed.  
Noorool Huq.  
Assud Alli.  
Ahmud Bukah.  
Abdoorab.

*Mr. Colvin's Report on the Students of the Regulations.*

FIRST CLASS.

Buduroodooja,.....	} Nearly equal.
Ab'ool Humred,.....	
Ramzan Ulee,.....	
Deeanut Oolla, .....	} Equal, &c. &c.
Fuzli Ahmud,.....	

"I regret that it is not in my power to report any of these students as sufficiently qualified to deserve any honorary reward for their proficiency. The attainments of the senior class are generally respectable. No answers of the students in this class were very bad. None however showed a complete and exact knowledge of the subjects proposed.

"These students have, I believe, read the whole of the printed portions of the Translation of Harington's Analysis and the Sudder Ameen's Guide Book. A thorough acquaintance with these useful class books would have ensured much better examination papers than any which I have received. I would repeat my suggestions of last year that the Mouluvee be cautioned "to teach thoroughly each portion of the subject, rather than to extend too rapidly the range of study."

"The pupil placed third on the list of the first class, Ramzan Ulee, answered several of the points embraced in the examination questions with very creditable accuracy. Two or three of the last and more important queries, however, he left altogether unanswered. Perhaps this may have been because he gave too much time to the prior queries. Had he given equally satisfactory replies to the latter as to the prior queries, he would have been well entitled to the first place and to a prize.

"Buduroodooja who, as having given fair answers to all the questions, stands the first on the list of the first class, deserves commendation for his application and rapid advance in study. He stood at his own request the higher examination, though not belonging properly to the senior class.

"Tafuzool Ulee, who obtained the prize at the two last yearly Examinations, had ceased to be a student of the Madrassa at the date of the Examination. He attended, however, of his own accord, and gave in creditable Examination papers.

"The two students of the second class have, as yet, made very little progress."

SECOND CLASS.

Kazim Alee,  
Furzund Hoosein,

*The Reverend Dr. Mill's Report on the Students of Mathematics and Algebra.*

"The first day was devoted to Euclid. Some of the pupils having read the whole of the first six books, the others not beyond the third. Each of these classes was tried, chiefly by deductions and problems, in order to ascertain their skill in the application of the Geometrical principles they had learnt. The order of merit in these two classes are severally as exhibited below. The three first names in each list are deserving very high commendation.

IN THE 6 BOOKS.

Mahomed Murteza.  
Warith Ali.  
Mahomed Buksh. }  
Wadeiyat-u'llah.  
Fuzl-u'l Huk. •

IN THE 3 BOOKS ONLY.

Muhiyu'ddin.  
Ruknu'ddin. }  
Fazlu'llah. }  
Ruhimu'ddin.  
Khadim Husain.

"The second day was devoted to general Mathematics, as taught both in the book entitled Khulasatul Hisab and the Arabic Translation of Bridge's Algebra. Here too the students are of two classes, those who have read both these subjects and those who have read



the former only, and that only in the Arithmetical part, excluding the Algebra and Mensuration. These are divided by a double line in the following order of merit:

Muhyi'uddin.	A-hruf Hussain.
Fuzul'llah.	Tufuzzul Hussain.
Cabul Ali.	Abu'l Hasan.
Ruknu'ddin.	Dabiru'ddin.
Mumtaz Ali.	Rasikhu'llah.
Mahomed Nazim.	

"The first five names in this list, comprehending all that were marked for distinction in the second class of Geometrical students, I would recommend for distinction; together with the first three names of the former class. Upon the whole I may point Mahomed Murteza and Muhyiuddin as most eminently distinguished in this Examination.

Upon this the Secretary, Captain Ouseley, remarks—"The result of Dr. Mill's examination of the students in Mathematics may be regarded as satisfactory. With the present imperfect means at command we cannot look for very high proficiency in this department, but the study of English, which has so rapidly extended in the Madrisa during the last few months, will, among other advantages, open to the students a shorter path to the higher branches of Mathematics."

*The Secretary's Report on the Classes of General Literature, Law, Rhetoric and Natural Philosophy.*

"I have the honor to acquaint you that on Thursday the 10th instant, I examined the students of the Madrisa in General Literature. The class is considerably reduced in number since the last annual Examination, partly by the falling in of Scholarships and partly by the operation of a rule introduced at the desire of Mr. Thomason when a Member of the Committee, to limit the time allowed for each branch of study in the Madrisa.

"On the present occasion only five students had advanced as far as the *Schae Moulkt*. Of these Ajul Ooddeen and Ahmud Allee merit the favorable consideration of the Committee, for the readiness and accuracy with which they explained this difficult work, as well as for the general correctness of their other exercises.

"The students of *Asool* or *Elements of Law*, were examined, on Monday the 14th instant. They are divided into four classes. The first class was orally examined in the *Moosullum Asaaboot*, the second in *Touzeah*, the third in the *Noorulnawar*, and the fourth in the *Dair Alwasool*. Written Exercises of different degrees of difficulty were also given to each class. On examining and comparing the written and oral performance of all, the undermentioned students of each class appear to deserve some reward.

1st CLASS.	2D CLASS.
Ahmud Bukh.	Fyzoollah.
Mahomed Moortuza.	
Asud Allee.	3D CLASS.
Kazim Allee.	Saduq Ahmed.

"On the 15th and 19th Instant the Junior Law classes were examined in what they had read during the past year. The more advanced students were orally examined in the *Hidaya*, and the remainder in the *Ushab-oo Nuzzer*. Written questions were propounded to each class from the Book of Saleh, Co-partnership and Pre-emption, besides a separate exercise on the Law of Inheritance. With one or two exceptions the answers to these questions are extremely satisfactory. Referring to the fulness and superior accuracy which the undermen-

tioned students evinced in their replies, I beg to recommend them to the favorable notice of the Committee, viz.

1st CLASS.	2D CLASS.
Ruka Ooddeen.	Synd Alli.
Mahomed Moortuza.	Dubeer Ooddeen.
Mohes Ooddeen.	Tufuzzul Hussain (the 2d)
2D CLASS.	Sadeeq Ahmed.
Humeed Ooddeen.	3D CLASS.
Khadim Hussain.	Abdool Khaliq.
Mahomed Bukh of Bheerboom.	Ahmud Allee of Sylhet.

"The students of Rhetoric and Natural Philosophy were examined on the 21st and 22d Instant respectively. There were only six students in each department, and, with one exception, that of Noor Alluq, who deserves credit for his proficiency in Rhetoric, the attainments of these classes are of a very inferior description."

ENGLISH DEPARTMENT.

*The Reverend J. M'Queen's Report on the Examination in English.*

"The examination began with Ataur Ruhman, who in point of acquirements stands at the head of the English department. His English studies during the year had been confined to "Goldsmith's History of England" and the "Brief Survey of History," with Geography and the use of the Globes. He read with considerable fluency and with a correct accent several passages from the above works, passed a sentence without making more than one or two mistakes, gave with surprising accuracy the meaning of the most difficult words that occurred in what he read, and in one or two instances their Greek and Latin Etymologies which he had found, I believe, in Bailey's Dictionary; thus evincing the pains he was in the habit of taking to acquire a knowledge of the English language. In Geography he gave me, generally speaking, very correct answers to questions on the size, form and great physical features of the Earth. It is but justice to the other pupils to say that this young man commenced his studies in April 1829, a year and more before any of the rest.

"The second class, consisting of 5 or 6 young men, had read during the year 135 pages of the "Brief Survey of History," 100 pages of "English Reader," and been exercised in the rules of Syntax and Parsing. In all these they passed a very fair examination, spelling and giving the meaning and parts of speech of many of the words with tolerable accuracy. Their pronunciation, however, was not very good. This may be ascribed partly to the shortness of the time they have been learning English, only since the 27th February 1833, but chiefly to the late period of life at which they commenced the study, most of them in their 20th or 21st year; so that with one exception (Gholam Ashraf) there is little hope of their ever being able to acquire a correct English pronunciation.

"Upon the whole, the Examination of this year as compared with that of 1834 was satisfactory. The classes generally had made considerable, though by no means remarkable progress in Reading, Spelling, Parsing and giving the meaning of English words.

"In speaking of their progress, however, it ought to be borne in mind that but a small portion of their time is assigned to the study of English, not more than 6 months in the year, 5 days in the week, and one hour and a half during the day; their Oriental studies occupying, if I am not misinformed, the principal part of their time and attention.

"Writing from dictation, as recommended in my report of the examination for 1834, had been adopted,

and occasionally practised during the year, though not perhaps so much as was desirable.

"Its benefits, however, were apparent from the facility and success with which a number of the scholars wrote down on slates from my dictation the following (a task they would have failed in executing a year previously) "By learning a little, or three or four words daily, a very great deal will be learnt in the course of five or six years." In writing this three of the youths acquitted themselves so well as to deserve special notice, viz. Nuzur Ullce, Gbolam Ashruf and Mahomed Diam."

Till lately every boy receiving a stipend from the Arabic department was obliged to learn English an hour or two in the day, and those who did not receive stipends had to pay two rupees a month for the privilege of being allowed to join the English class. The result of this arrangement was that the English School was filled with unwilling scholars who were too old to acquire a correct pronounciation, and devoted too short a time to the study to be able to make more than a very limited progress in it. Under these circumstances the School languished until last year, when a change of system was resolved upon. The Arabic Students were no longer compelled to learn English, and any other Mahomedan youths, who wished it, were allowed to do so without any payment being required from them. "The result," the Secretary reports, "has been most satisfactory. Since the month of September the number of English Scholars has increased from 31 to 136, and fresh applications for admission to the English department, are daily received." The School is now filled principally with young boys, who pursue the study of English with zeal and success equal to that of any of their Hindu compeers. The senior students have made some progress in the study of Euclid since the examination now reported upon.

The Mahomedan community at the capital labours under great disadvantages from the little encouragement which has as yet been held out to them to cultivate English literature. This was particularly obvious on the occasion of the establishment of the Medical College, when, although the inducements to enter it were very considerable, and the nature of the studies was much more in accordance with Mahomedan than Hindu feeling, there was not a single Mahomedan candidate who had a sufficient knowledge of English to allow of his being admitted. This great difference between the two classes can excite no surprise. The Hindus resident at the capital have for a long time past enjoyed the benefit of the Hindu College, which is by far the most efficient Seminary of English learning on this side of India; but with regard to the Mahomedans, while, on the one hand, they have been stimulated by many artificial inducements, in addition to those which must always weigh with them, to cultivate Arabic literature, on the other, only a very second rate School has been provided by Government to enable them to study Western learning. In spite of these disadvantages, two or three have succeeded in giving themselves a good English Education, and we know of none among the rising generation who are superior to them. We intend hereafter to give encouragement to the Mahomedans to become conversant with our literature and science, and a competent English Professor will be appointed to the Mahomedan College as soon as the head class is reported sufficiently acquainted with the English language to be able to profit by his instructions.

The remainder of the Report we reprint in another column, instead of making extracts from it. As the notices of the different institutions are short, the completeness of this part of the report would have been destroyed by any attempt to curtail it.

SANSKRIT COLLEGE.

On the 1st January, 1835, there were 181 students in this Institution, of whom 97 received stipends, while on the 1st January, 1836, there were 135, 97 of whom received stipends. These are divided into classes as follows:

Vyakarana, or Grammar, ..	1st Division,....	22
	2d Division,....	24
	3d Division,....	18
		64
Sahitya, or Belles Lettres, .....		19
Alankara, or Rhetoric, .....		14
Nyaya, or Logic, .....		10
Jyotish, or Mathematics, &c., .....		10
Vedanta, or Theology, .....		7
Smriti, or Law, .....		11
		135

The examination was conducted by Baboo Ram Comul Sen, Secretary to the College, with the exception of the Law Class, which was examined by Mr. Sutherland.

Mr. Sutherland reports that of the 11 students belonging to the Law Class, three were entitled to diplomas; that the exercises of three more were very creditable, and that he did not think it necessary to class the rest, whose exercises shewed less skill and familiarity with Law Treatises.

With regard to the general proficiency of the Students, the Secretary remarks—"From the circumstance of the changes made and rules introduced during the year, the progress made has not been so respectable as might have been expected: but I am happy to say, that as far as their time and means allowed them, the Pundits have done their duty, and the pupils have proved themselves tolerably proficient in their respective branches of the studies."

His Lordship in Council is aware that the English class formerly attached to this College, was abolished from the commencement of the current year, and the fund for its support transferred to the Agra College. This measure was not resorted to by us, until it had been established by the result of a long trial that it will not answer, as a general rule, to teach two learned languages to the same student in this country. The period usually allotted to education is shorter here by 2 or 3 years than it is in Europe, and except in rare instances, the effect of attempting to teach two such languages as English and Sanskrit, or English and Arabic, is to give the student a smattering of both, without a competent knowledge of either—to overload his mind with words, without leaving him time for the acquisition of that knowledge as a medium for the communication of which those words are alone valuable. A similar attempt at the Mahomedan College to teach Arabic and English simultaneously, ended, as has been seen, in total failure; but as the English department of that Institution alone offers an opportunity to the Mahomedan community of studying English, instead of abolishing it, we resolved to strengthen and improve it. It is open to the Students of that College to study either Arabic or English, or both, as they may themselves prefer. The Hindu College, to which all Hindus have free access, rendered it unnecessary to keep up another English Institution for their use.

POOREE (CUTTACK.)

This school was established only in November last, and the Master is a young native educated at the Hindu College. There are 25 scholars, all of whom are Hindus. The Master considers the reason of so few pupils having

been hitherto admitted to be that the inhabitants of the town chiefly consist of the priests of the Temple of Jugernauth, to whom a knowledge of the Shastras is more profitable than of the English language. He hopes, however, that they will soon be induced to send their sons. The existing students are for the most part children of the Native Officers of Government. The studies are necessarily as yet merely elementary, but the Local Committee reports that they have taken means to satisfy themselves as to the progress of the boys, and that they consider it very creditable both to the Master and pupils. The Master reports that the conduct of the pupils is generally very unexceptionable, they being attentive to their lessons and well behaved to each other.

#### MOULMEIN SCHOOL.

This Institution is supported out of a separate grant of 500 Rupees a month which was made by the late Governor General in favor of the Tenasserim Province, but the control is vested in our Committee. The last return, which is dated 22d October, 1835, affords an interesting specimen of the number of different races which are united in this part of the world in the study of English literature. The following is a synopsis of it:

Burmese,.....	48
Chinese,.....	19
East Indians,.....	16
Portuguese,.....	10
Armenians,.....	2
Parses,.....	1
English,.....	1
Greek, ..	3
Hindu,.....	4
Shan,.....	1
Malay,.....	1

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The statement of their acquirements is humble, but they had not at that time received an adequate supply of books, without which it was impossible that much progress could be made. The Head Master, Mr. Bennet, remarks, that "the interest which has been taken by the native population in wishing their sons educated and possessed of a knowledge of English science, has been greater than could have been expected, considering their natural prejudices against every thing foreign; and especially when it is recollected that there are no Burmese, old or young, among us, who have acquired English and have been advanced to any station in consequence of such acquirement. The pupils in the School have also evinced much stronger desires in general to learn than could reasonably be expected, and have exerted themselves accordingly much to their credit."

Burmese is taught to the boys who speak that language.

#### GAWAHATI (ASSAM.)

This is one of the newly established Institutions. It has a Head Master, a Bengali teacher, and 113 pupils, of whom 77 are Hindu, 33 Mahomedans and 3 Christians.

The members of the Local Committee report very favorably of the exertions of Mr. Singer, the Head Master, and of the progress of the pupils during the short time they have been under him. Another year's attention, they hope will enable the boys of the upper classes "to understand generally what they now read with considerable fluency and correctness of pronunciation." A very gratifying feature of this Institution is the prominence which is given in it to instruction in the vernacular language.

There are two passages in the Head Master's report which we consider of sufficient importance to extract in this place. "On his arrival in September last, the Head Master received a list of 58 students, but after a short time it was found that only 41 were regular

attendants, the remainder having only entered their names without any intention of learning, and consequently were seldom present, and from the circumstance of 19 more having absented themselves during the following three months, (part of them from being obliged to work for their subsistence, and the remainder from having left the station :) it was considered necessary in order to prevent a recurrence of this irregularity, to frame certain rules which were to be signed before any boy's name was entered on the books, and the Master has much pleasure in observing that the measure has proved fully equal to the effect it was intended to cause. At first the Natives entered their names merely for the novelty of the thing, and expected that they might attend when, or at what time they pleased, and thus it was impossible to form a class, as not more than one-half were present and those not till past noon; but since the above rule has been enforced, parents have brought their children and themselves become security for them, and at 11 o'clock the doors are closed with but very few absentees. Thus it will be seen that, instead of the engagements they are now obliged to enter into being the cause of deterring them from sending their children, it has just the contrary effect, and they have in many instances begged that they might be punished, if not attentive to their studies.

"Another very important feature in the proceedings of the year is a strike amongst the elder students which took place on the 3d of November last, (similar to that at the Saint Andrew's School a short time ago,) which proceeded from the admission of a Calcutta Bengallee to assist in teaching the junior classes, when some of the senior scholars refused attending unless he were expelled, and immediately presented themselves to the Local Committee, but on finding that their threats were not likely to cause the Bengallee's expulsion, they resumed their studies and have since been much more subordinate."

We consider the line of conduct pursued by the Local Committee, and the Head Master on the above occasions highly judicious, and the success which has attended it quite corresponds with our general experience. The Native Public generally regard the instruction provided in our Seminaries in the light in which they think that we ourselves regard it. If, by giving stipends or in any other way, we make it appear as if they were doing us a favor in allowing their children to be instructed by us, they naturally think meanly of it. If we offer instruction as a boon, giving no bounty on its acceptance, but, on the contrary, enforcing every necessary rule for securing regular attendance and proper behaviour, they look upon it as something worth having. A disposition to relax arising from an overstrained desire to increase the number of pupils, is likely to defeat its object, by lowering the Institution in general estimation.

#### DACCA SCHOOL.

This School commenced under the most favorable auspices. Ram Lochun Ghose, Sheristadlar to the Suddur Board of Revenue, on hearing that we intended to establish a School at Dacca, which is his native place, sent us a donation of 1000 Rupees with a letter which does him almost as much honor as the donation itself. The following is an extract from it.

"Permit me respectfully to request the favor of your offering my heartfelt thanks to your Committee for their recommendation in favor of the establishment of a College at Dacca for the education of the youth of that part of the country, an Institution which I am induced to believe will not fail to be the means of diffusing knowledge, particularly that of the English language, which is so rapidly advancing in popularity with the Hindoos generally, and in a special manner among the young men of that Town, with some degree of the success which has

so happily attended its introduction into the Government Institutions at Calcutta and elsewhere.

"Towards the accomplishment of an object so laudable, it is, I am persuaded, the bounden duty of every one having the least regard for the prosperity of his own country, to contribute as far as lies in his power; and this sentiment induces me to subscribe for the Institution to the extent of *Sicca Rupees* one thousand, a sum too much for an individual in my circumstances to afford without inconvenience, but which I have ventured to appropriate for the benefit of my countrymen, considering that every person whether rich or poor ought to advance so far as lies in his power, the cause of education."

A subscription was also raised among the European and Native Gentry of the District which soon amounted to nearly 5000 Rupees. On the School being opened, more pupils flocked to it than the building could contain, and it became necessary to hire a larger house and to employ another Master in addition to the two whom we had sent. The following remarks by the Local Committee describe the state of the School at the end of last year.

"The School was opened in the middle of July, but as little could be done until after the Dusserah Vacation, the pupils have in reality had only about 4 month's tuition, and the progress they have made is considered by the Local Committee to be very creditable indeed both to the Head Master Mr. Ridge, and to his Assistant Parbutty Churn Chuckerbutty. A large proportion of the boys had had no previous instruction in English at all, and the plan pursued under Mr. Ridge's superintendence of making each step from the commencement quite decided in the mind of the scholar, appears to be most judicious. A few of the boys had had a little previous instruction in English, but of so bad a sort that the trouble of correcting their defects is nearly as great as that of teaching a new-comer from the commencement; indefatigable attention has been paid in this particular, and the improvement is very perceptible and very satisfactory. The boys in general acquitted themselves well and not only read and spelt correctly (in the higher classes), but from the miscellaneous questions they answered, shewed that they thoroughly understand what they have been taught." There were 136 pupils at the time of the annual examination, but it is not mentioned to what classes of people they belonged. We shall avail ourselves of the first favorable opportunity to make provision for the appointment of a qualified Bengallee teacher in this School.

#### HOOGHY SCHOOL.

At the end of 1835 there were 87 students in the English School, of whom 5 were Christians, 5 Mahomedans, and the rest Hindus. Although the instruction at present does not go beyond history, geography, and common arithmetic, this is a flourishing school, and will be very useful as a nucleus for the new college which is now about to be established at Hooghly. Dr. Wise, the Superintendent, reports that considerable progress has lately been made in the school, which would have been greater had the school-room been larger and in a better situation. The present room, he observes, is incapable of accommodating the number desirous of learning the English language in the neighbourhood.

There is also an Oriental School under the charge of the Mutawulee, containing at present 37 students. Both this and the English School will be absorbed in the new College, the arrangements for the full establishment of which we shall describe in our next annual report.

#### MOORSHEDADAD COLLEGE.

This institution is supported by an annual assignment of 1,500 rupees a month from the Nizamut Deposit Fund. Its primary object is the education of the children belonging to the Nizamut Family, but it is also open to the

public. It has only lately been placed under our control; and as soon as we can obtain the necessary information, we shall resolve upon a plan for its reform.

#### BHAUGULPORE.

The report of the Local Committee shows that there were 106 pupils at the last annual examination, which is a falling off of 19 compared with the preceding year. All the pupils are children of the hill people, and the instruction imparted is of the most elementary kind.

The Local Committee express their general approbation of the manner in which the seminary is conducted, and report that the hill boys themselves display great interest in the business of the school. The scholars of the 1st Hindusthani class in particular, they observe, appear readily to turn to real use what they have learned. The boys attached to the recently established English class have also fully satisfied the Local Committee that great progress may be expected from them when they have been for some time in possession of the necessary books.

The standard of instruction in this school at present falls far short of that which it is our object to impart, and the benefits of it, such as it is, are confined to the hill boys. For these reasons we have requested permission to recast the school on the model of our other institutions. The existing allowance would secure the salary of a good English master, and two assistants, one of whom should be employed in teaching in the Native language of the district. By these means the people of the town and neighbouring district as well as the hill boys, would have a seminary of a superior order provided for them.

#### PATNA.

Many circumstances led us to anticipate less cordial co-operation on the part of the Native community at Patna than at other places, and we accordingly selected one of our ablest School-Masters, Mr. Clift, for that station. Two schools were nearly simultaneously established by the Local Committee, one at Alungunge, a mile from the city in the long street leading to Bankipore, and the other in the city itself. The former is a highly flourishing seminary, and the Local Committee report that the latter is gradually increasing as prejudices wear away.

As soon as circumstances admit of it, we shall carry into effect our original plan of concentrating all our means in one seminary in the city.

The Local Committee report as follows on the occasion of the annual examination:—

"In the absence of Mr. Tucker, the Chairman of the Local Committee, Mr. Morris was requested to preside and distribute the prizes. The classes were severally called up, beginning with the lowest, and went through the examination exercises in the presence of the Committee. The boys in the first and second classes read fluently and explained the meaning correctly; they also displayed a very fair knowledge of the elements of Geography and English Grammar, but, as remarked upon by Mr. Clift, although nearly all the first class boys came to the school with some knowledge, more or less, of English, none have made sufficient progress to attempt composition. The boys in the lower classes, who came to the school without any previous smattering of English, have decidedly the advantage of the higher classes on the score of pronunciation, which it would not be difficult to account for.

The Committee were much gratified with the result of the examination. They certainly were not prepared to find the elder boys so far advanced, or to expect that the younger ones would in so short a time have overcame the first difficulties of a new language. They were also fully aware of the many discouragements the school had to contend with, and knowing how very irregular

and uncertain the attendance of the boys had been, they would not have been disappointed had they only found a degree of proficiency corresponding with so unfavourable an outset. It is then to the active and able exertions of Mr. Clift, the Head-Master, that they have to ascribe so successful and gratifying a result, and if the merits of that gentleman were not already known to the General Committee, they would readily indulge themselves by expressing more at length the favorable impression that has been produced on the Local Committee by his well directed and unremitted labors, which, they have reason to believe, have been ably seconded by his Assistant Mr. Fowles.

The General Committee will readily believe that the Local Committee have not been indifferent spectators of the peculiar train of circumstances that has hitherto prevented the Patna School from attaining that degree of popularity and success that had attended similar institutions in other places. This is experienced in the very low rate at which the number of admissions to the schools has increased, in the irregular and uncertain attendance of the boys themselves, and above all in the general want of confidence in the principles on which it is established, displayed by their parents and by the Natives generally. The Committee are unwilling to believe that this perverse and wilful opposition to so benevolent and useful a scheme can last much longer. They rather agree with Mr. Clift in believing that early prejudices are already abating, and that the cause of English instruction is gradually making its way in public estimation among the better class of Natives in this country."

On the 31st December, there were 94 Hindus, 30 Mahomedans, and 11 Christians in both schools, or 135 in all, which was 78 more than there were at the end of the preceding quarter.

We are happy to say that considerable attention is paid to instruction in the Vernacular language in this institution.

#### CHAUKEPORE.

This is also one of the new Institutions. The General Committee provides the salary of the Head Master and the other expenses are defrayed by local subscription. There were 42 students present at the Annual Examination, of whom 10 appear to have been Mahomedans and the rest Hindus.

The anticipations of success entertained by the Local Committee have not been altogether realized; the number of pupils having previously to the Annual Examination declined rather than increased, and the actual complement of regular attendants being but a small proportion of the names at first enrolled in the list of scholars. The Local Committee however express their determination not to be discouraged or to relax anything in their endeavours to promote by every means in their power the cause of Native education in the English language.

The majority of those who withdrew their names are supposed to have joined the Institution in the expectation of receiving a monthly stipend or some other personal advantage of a more substantial nature than the mere acquisition of knowledge.

"In proportion, however," the Local Committee continue, "as the knowledge of the English language extends itself throughout the Provinces, carrying in its train the key to every sort of information that is either useful or entertaining, the present indifference will no doubt disappear and the imaginary fears entertained by some regarding our purpose of interfering with their religious creeds, must yield to the conviction of their own experience, as our schools become more generally known and appreciated, and under this impression the Committee feel themselves warranted in indulging the expectation of making a better figure at the ensuing Annual Examination, both as to numbers and attainments.

The Local Committee speaks in high terms of the "zeal, assiduity, and talent" displayed by the Master, Mr. Arrow, in conducting the details of the institution, and they acknowledge the liberality of the widow of Bisumbar Pundit, who came forward on the occasion of the late Examination with a donation of 100 Rupees and a promise of a monthly subscription of 12 Rupees.

#### BENARES ENGLISH COLLEGE.

The Report of this Institution shows a very satisfactory increase in the number of pupils. At the end of 1834 there were 89 and at the end of 1835 they had increased to 136, of whom 13 only were Mussulmans and the rest Hindus. Stipends were never given except to a very limited extent at this Institution. The establishment consists of a Head Master and four Under Masters, one of whom is employed in teaching Persian, for which the Local Committee has proposed that the vernacular language should be substituted. The Local Committee has reported that there are more Under Masters than are required, and one of them has in consequence been ordered to join the new Jubbulpore School.

The head class was examined on the following subjects:

From the beginning of Goldsmith's History of England, to the end of the 32d chapter, page 1 to 196.

From page 40 to the end of Introduction to Natural Philosophy, published by the Useful Knowledge Society, comprising Astronomy, Hydrostatics, Pneumatics and Optics.

From page 39 to 100 of the Poetical Reader, No. 1

From the beginning to page 17 of the Poetical Reader, No. 2.

From the beginning to the end of the 2d chapter of Clift's Political Economy, page 1 to 37.

From page 20 to the end of Macpherson's Geography of Hindustan.

From the commencement to page 51 of Nicholl's Geography.

Murray's large Grammar with Notes from page 157 to page 202, and the Notes on Proverbs as far as page 212, together with the correction of Exercises adapted to Murray's Grammar.

Algebra from 2nd case of Division to the 3rd case of Evolution from Hutton's course, and from 3rd case of Evolution to the 6th case of Simple Equations from Bonnycastle's Arithmetic.

From Division of Vulgar Fractions to Single Position, and also repetition of Vulgar Fractions and Decimals.

First four Problems of Bonnycastle's Mensuration. First ten Propositions of the 1st book of Euclid. Use of the Terrestrial and Celestial Globes, Exercises in Composition.

The Local Committee remarks as follows on the result of the examination of the first class:

"The progress of the pupils is, with a few exceptions, satisfactory. They read with facility and tolerable correctness, and can give correct explanations of what they read. They are conversant with the leading principles of Natural Philosophy (contained in the introduction of Natural Philosophy) with the historical facts they have read, and with the grammatical construction and analysis of the lessons they study. In Geometry, Algebra and Political Economy, considering the short time they have studied those branches, their attainments are creditable. Most of them have also improved in English Composition. Their general behaviour is good, and their attendance during the half year has been regular as circumstances would admit, the progress of the whole School having been much interrupted in the commencement of the last half year by sickness being

prevalent in the City. The interruption to the business of the School is very great, owing to the confined nature of the apartments in the present School-house."

Two Essays and Translations were forwarded by the Local Committee, to the best of which, by Shiva Shubhaya, a prize of fifty Rupees, and to the second best, by Deenbundoo Ghuttuck, one of thirty Rupees was awarded by us. The first of these boys had been 5 years and 5 months, and the other 4 years and 6 months, in the institution, and their ages were 15 and 17. Shiva Shubhaya's Essay will be found in the Appendix.\*

We consider this Institution to be in a very efficient state and great credit is due to Mr. Nicholls, the Head Master for his zeal and assiduity. After the new School-house is finished, as it soon will be, we may expect still greater improvement.

BENARES SANSKRIT COLLEGE.

The Local Committee has sent us a very brief Report on the state of this Institution. There are 13 Pupils, 1 Persian teacher and 282 pupils, of whom 141 received stipends.

The subjects of study are Grammar, Poetry, Volants, Nyaya, Sankya, Dharma Shastra or Religion, and Astronomy. The Local Committee reports that the Pupils and pupils of the Institution have during the last half year been regular in their attendance and attentive to their duties.

SAUGOR.

The number of pupils and teachers according to the last return is as follows:

	Boys.	Teachers
In the Hindee Schools.....	344	6
„ Marhatta.....	40	1
„ Persian.....	51	2
„ English.....	11	1
	446	10

As the whole amount expended in teaching these boys is only 200 Rs. a month, much cannot be expected from them. Rao Krishna Rao, the Superintendent, reports that "some are qualified in Reading, others in Writing, some in both, and others in Arithmetic. Two or three have acquired such a knowledge of Geography and Astronomy that they can shew the longitude and latitude of any place on the Globe, the division of the Earth into land and water, the cause of day and night, with the changes of the seasons. They can also discern the most distinguished luminous bodies in the heavens, as Mercury, Venus, Mars, &c., the distance they keep from each other, and the period of their respective revolutions which they perform round the Sun in a year, month, day, hour and minute. They sometimes also make poetry by themselves, shewing many beautiful things of serious nature which have afforded much pleasure to the gentlemen here."

The Local Committee reports, that "Rao Krishna Rao continues with a very praiseworthy zeal and perseverance, in spite of some sources of discouragement, to pursue the great object of enlightening his fellow-countrymen to which he has devoted himself, and with every prospect of eventual success."

In the early part of the last year four hundred Rupees a month were assigned for the use of the Saugor School, but no plan was furnished for laying it out till the 7th March last. The Honorable Mr. Shore, the Governor General's Agent, then, proposed that the study of

Persian and Marhatta should be discontinued, and that three schools should be established as follows—

AT SAUGOR.

1 Superintendent and English Teacher, Rao Krishna Rao.....	100
1 Deputy English Teacher.....	60
3 Hindee Teachers, 20, 15 and 10 Rupees respective, .....	45
House Rent, including Sweeper.....	10
Stationery and incidental expenses.....	10
	215

• AT JUBBULPORE.

1 English Teacher and Superintendent.....	70
1 Hindee Teacher.....	15
House Rent including Sweeper.....	7
Stationery and incidental expenses.....	5
	97
At Hoshingabad as at Jubbulpore.....	97
	409

We sanctioned this arrangement, intending to raise the standard of instruction in all three Schools as opportunities occur. Education is at present in a very low state in the Saugor Province, and a certain number of youths must be trained in the elements of knowledge before they can be fit to receive instruction of a higher order. We have transferred to the School at Jubbulpore an Under Teacher belonging to the Benares Seminary, whose services were no longer required there in consequence of the introduction of the monitorial system. His salary is 120 Rupees a month, which raises the outlay at Jubbulpore to 147 Rupees.

ALLAHABAD SCHOOL.

No Annual Report has been received from this School, and we must therefore make the Half Yearly Report furnished in September 1835, the foundation of our remarks.

There were at that time 109 pupils in the School, of whom 6 appear to have been Christians, 25 Mahomedans and the rest Hindus. The highest book then read was Marshman's History of the World, and no science was studied except arithmetic.

The Local Committee reports as follows on the proficiency of the pupils:

"3. The pupils of the first and second classes acquitted themselves creditably and evinced a very fair knowledge of the grammar and construction of what they were reading—not equally so perhaps with the subject of their studies.

"Their ideas of Geography were not perhaps so clear as might have been expected, and their answers not so much dictated by acquaintance with the subject, as by the particular form of reply they had been accustomed to. The Committee make these remarks under the impression that many of these boys should be emerging from the mere elements of English in which they believe them to have been well grounded by their former preceptor as well as their present instructor, Mr. Cooke; and also taking into consideration the proficiency to which they had attained at the last Examination, their actual progress in education, that is to say, their mental advancement, during the past six months, cannot be considered so satisfactory as the Committee could wish.

"5. The same remarks will not apply to the middle and lower classes, who have been brought on well under Mr. Cooke's superintendence, and some of the younger branches of whom seem to be excited by a wish of self-improvement as well as a spirit of emulation, the surest incentive of further advancement. It is here just to add

that many of these last are mainly indebted to the exertions of Huldeo Suhae, their Monitor, and the head of the first class.

"10. His Honor the Governor of Agra attended the examination of the first and second classes and expressed himself pleased with their readiness and general performance.

"13. The prizes were delivered by Mr. Bird, who addressed the pupils individually, expressing the satisfaction the Committee had in rewarding merit and encouraging them to future exertions and progress."

"14. On the whole, the Committee trust that the report will be deemed satisfactory.

"The increased number of pupils evinces the growing popularity of the Institution, and that the value of English instruction is gaining fast in the estimation of the Native community.

"15. The success that has hitherto attended their endeavors to smooth the first approach to learning, promises the result of eventually extending to many of the hitherto ignorant and uneducated classes the advantages of European intelligence and science."

We cannot say that we consider the progress which had been made up to the date of this Report as at all satisfactory. The attention of the Head Master appears to have been directed too exclusively to teaching the English language, to the neglect of the more important objects of filling the minds of his pupils with the varied information which it is so well calculated to convey, and of sharpening and strengthening their intellectual faculties by appropriate exercise. The School has also suffered much from repeated change of Masters, but we trust that the services of a very efficient Head Master (Mr. Lewis) have at last been secured.

We are happy to find that the system of teaching the junior classes by means of Monitors has answered so well at Allahabad. On this subject the Committee add—

"The Committee are disposed to think that the system of instruction by means of the Monitors, or elder pupils who have attained comparative proficiency, may with advantage be introduced into general practice in the School; the results of this system being alike beneficial to the pupil and the Instructor. Elements will be certainly more easily acquired from the mouth of one who has but lately himself attained them and has experienced to the full the difficulties that lie in the way of that attainment, and whose associations, habits of thought, reach of understanding and turn of expression, assimilating more to those of his pupils, afford him a readier means of reaching their comprehension than almost any time, and pains would enable an English teacher to attain. To one also who may be continuing to advance in the prosecution of any branch of study, the benefits of keeping up the ground work by constant application of first rules and principles will be acknowledged to be most material."

There is also a Hindee School containing 34 boys, and a Persian School containing 46 connected with this Institution. The Local Committee report that these were examined by their respective Masters and the Moulavee of the Judge's Court, and that they read well and seemed ready with replies to any question the subject of the books might call forth. The teachers of these Schools were unable to state the quantity read by each boy during the half year, but this will be remedied for the future.

The importance of the Station of Allahabad points out this Seminary as one of the first to be erected into a

College. We shall appoint a Professor to it as soon as the Local Committee report that the senior class is sufficiently advanced to be able to profit by his instruction.

#### AGRA COLLEGE.

The number of students on the 1st January last was 380, which were distributed as follows :

In the Persian Department,.....	192
In the Hindee ditto,.....	113
In the English ditto,.....	75
	<hr/> 380

It appears, however, that, although each boy is classed as belonging to some one department, he may also pursue his studies in one or both of the others. Thus of the 192 students in the Persian department there are engaged in the study of

English.....	78
Arabic.....	25
Hindee.....	30
Persian Arithmetic.....	191
Persian.....	192

making the number of examinations in this department 516. When carried too far, this system leads to superficial acquirements, and we are disposed to think that, as a general rule, the pupils in our Seminaries ought not to be encouraged to cultivate more than one learned language (either English, Persian, Arabic or Sanskrit) besides the vernacular language of the Province. Boys of extraordinary talents may be able to do more, but we are satisfied that, in ordinary cases, the attempt to acquire two learned languages will end in both being superficially attained, and that much time will be lost in learning a multitude of words, while little real knowledge of any sort will be acquired.

The following is a statement of the pupils in the different departments of the Agra College, divided according to their religion :

Persian Department—192 Pupils. 79 Mahomedans. 113 Hindus.

Hindee Department—113 Pupils. All Hindus.

English Department—75 Pupils.

11 Mahomedans, 63 Hindus, and 1 Christian.

Being in all 90 Mahomedans, 289 Hindus, and 1 Christian.

The improvement of this College has been much retarded of late years by the unsettled state in which it has been kept. The Local Committee repeatedly represented the growing demand for English instruction and the necessity of remodelling the College Establishment with a view to meet it, but owing to the former differences of opinion on this subject in the General Committee, nothing was done until the commencement of this year. The following changes were then made with the sanction of Government. The Secretary to the Local Committee, who had had little to do in that capacity, was also appointed Principal and Professor of the College on a consolidated salary of 450 Rupees a month, which is 150 Rupees more than he before received, and besides him a Head Master was appointed on 400 Rupees; a second Master on 150, and a third Master on 100. This establishment involved an extra monthly expense of 602 Rupees, to assist in defraying which the 400 Rupees saved by the abolition of the English class in the Calcutta Sanscrit College was transferred to the Agra College, and Mr. Woollaston, the late Head Master in the Sanscrit College, was sent to Agra.

The Local Committee allude to the pleasure it afforded them to find so general a concurrence with their views on the part of our Committee as was evinced by the adoption of the above measures, to which they state that it is their anxious desire to give full effect. In anticipation of the arrival of Mr. Woollaston, the Principal received the orders of the Local Committee to organize a class for English Astronomy and Geography under his own tuition, which is a gratifying proof of the zealous co-operation which we may expect.

The Secretary to the Local Committee observes that the demand for English instruction is evidently on the increase, and that proofs of this would have been still more decided had it been in their power to bestow "that best encouragement which the efficient means of meeting such demand alone confers." Before last year there was no independent English department, and the English class was composed of drafts from the Persian and Hindee Departments; whereas at the beginning of this year there were 75 pupils belonging to the English department, and altogether there were 221 learning English, the remainder being made up by drafts from the Hindee and Persian departments. The Prize Essay will be found in the Appendix.\*

The general result of the attendance of pupils is stated by the Secretary to the Local Committee to be as follows:—"Although the Hindee department remains as before, there has been a falling off in the Persian department, and when the requisite deductions are made for irregularity and absence, it will be found that the Oriental departments generally have fallen off, and that the numbers are kept up by the increase in English department."

We have appropriated 10,000 Rs. to build a bungalow each for the Principal and the Head Master on the College premises. We believe that this arrangement will add much to the efficiency of the institution.

MEMORIAL.

This Seminary is one of those which have been established within the year. The following list of daily attendants will prove the value which the School has already attained in the estimation of the Native community:

On the 1st June, 1835, the number was .	19
1st July, . . . . .	44
1st August, . . . . .	66
1st September, . . . . .	73
1st October, . . . . .	87
1st November, . . . . .	101
1st December, . . . . .	106
1st January, 1836, . . . . .	112

Of the 112 pupils who belonged to the Seminary at the end of the year, 60 were Mahomedans, 39 were Hindus and 13 were Christians.

The Local Committee reports very favorably of the conduct of Mr. Sinclair, the Head Master, and the Under Masters, and they express entire satisfaction with regard to the progress made by the boys. They observe that only a few boys had any knowledge of the English Alphabet when the Seminary was first established, whereas now there are two classes who can read fluently, a third who can read words, and the remainder know the Alphabet. In Arithmetic the first class has advanced as far as the Rule of Three, the second to Compound Multiplication, and the specimens of writing are highly creditable. The Head Master adds, that the pupils in general evince great aptitude for their

studies joined to a docility of temper and a propriety of demeanour which promise the most favourable results.

The salary of the Head Master and one of the Under Masters is defrayed by us, and the salary of another Under Master and all the other expences of the School are provided out of the produce of a local subscription. The balance of this subscription in hand at the end of last year amounted to about 3,000 Rs. Her late Highness the Begum Sumroo contributed 2,000 Rs.

DELHI ENGLISH COLLEGE.

The total number of students at the date of the last examination was 188, of whom 128 were Hindus, 54 Mahomedans and 6 Christians. At the end of 1834 there were in all 181 students.

The following is a statement of what the first class have read since our last Report:—

Goldsmith's History of England, throughout.  
 Marshman's Survey of History, ditto.  
 Murray's English Reader, to page 278.  
 Goldsmith's Grammar of Geography, from page 48 to the end.  
 Nicholl's Geography to page 9.  
 Molineux's Use of the Globes throughout.  
 Euclid the 2d, 3d and 4th Books.  
 Arithmetic, taught separately.  
 Algebra to Evolutions. One boy as far as Simple Equations.  
 Composition and Translation } Twelve hours in the week.

In Mathematics this is a decided improvement, as the most advanced were at the period of our last Report reading only the first book of Euclid, and Algebra was not then taught.

Lieutenant Trememhere, who examined them, reports that the proficiency exhibited by the students of the first class was very creditable to them as well as the Head Master, Mr. F. Taylor. In Arithmetic and Geometry, he says they were particularly expert. The Prize Essay which will be found in the Appendix,\* will enable his Lordship in Council to judge of their progress in English composition.

The Essay is the production of Umed Singh, a boy who entered the Institution three years and four months before at which time he did not know a letter of our Alphabet. Some idea may be formed of his progress in general knowledge during this period by an enumeration of the books which he has read. These are the English Reader from the 1st to the 7th volume inclusive, Goldsmith's Histories of England, Greece and Rome, Marshman's Universal History, Murray's English Reader, Murray's English Grammar, four first books of Euclid, Guy's Geography throughout, Blagden's India, Molineux's Use of the Terrestrial and Celestial Globes, Arithmetic to the Cube Root, and Algebra to Involution. We awarded a prize of 30 Rupees to this young man, in addition to the usual College prizes.

It is very gratifying to us to be able to report that the prospective abolition of stipends ordered in March last, has not been attended with any falling off in the number of pupils belonging to this Institution.

The Head Master concludes from this that the advantages of English education are now generally appreciated by the Native community, and he adds that the circumstance of forty students having obtained situations



in Government and private Establishments, chiefly owing to their knowledge of English must have had some effect in keeping up the number of pupils. A list of these 40 ex-students, shewing the situations which they have obtained, will be found in the Appendix.\* It is a curious and interesting document, and as it only includes those who have become in a manner public characters, it is strongly indicative of the benefit which the country is deriving from this Institution. Those who have entered into trade and agriculture and other less distinguished employments, must greatly exceed in number those who are mentioned in the list.

The great desiderata at this Institution now are, some arrangement for imparting instruction of a higher order than that which is at present given, and a commodious and permanent building for the accommodation of the Masters and students. We hope soon to be able to secure both these objects. We have already written to the Local Committee to request that they will digest and submit a plan for remodelling the Institution, including the appointment of a Professor.

#### DELHI ORIENTAL COLLEGE.

The report of this Institution shows 61 pupils divided into nine classes in the Arabic department; 80 pupils divided into eleven classes in the Persian department, and 56 pupils divided into nine classes in the Sanskrit department. The total number of pupils therefore is 197.

The examinations were held by Native Gentlemen of the city, and the opinions passed by the examiners are stated to have been almost without exception in favor of the application and industry of the teachers and pupils. The prizes appointed for each separate branch of study were contended for with much ardor, especially in the Mathematical branch, and the themes in the Persian language, the subject of which was "the advantage of education," are stated to have "afforded the most satisfactory testimony of the benefits arising from the system of education pursued in the Mudrisa. The worst theme was free from grammatical inaccuracies; the majority of them evinced a maturity of thought and aptness of illustration which could be the result of intellectual culture alone, and the successful theme, that of Wazeer Ali, possessed merits that entitle him to the distinction of being deemed the ornament of the College."

"His young man is now the senior student, and the laborious course of Arabic learning which he has gone through, will give some idea of the nature of the studies in this Institution. It is as follows: Shashce, Naralanwar, Touzeeh, Tulweeh and Musulym on the principles of Mahomedan jurisprudence; Shureh Waqays and Hikaya on Mahomedan Law; Myboodee, Sudira and Salvazigha on Natural Philosophy; Shureh Soollum and Shureh Motala on Logic; and Mukhtassar Mani and Mutawul on Rhetoric. There does not, however, appear to be the same demand for qualified Persian and Arabic, as there is for English scholars, and the Local Committee complain that these difficult attainments, the fruit of so much study, time and expense, are neither made available to the public service nor rendered a certain means of livelihood to the individual. As Persian is at present the official language, we are surprized at these complaints, which seem to indicate that when, by the introduction of the vernacular language into the courts and offices of Government, every foreign language shall have been put on an equal footing and the advantage will be only on the side of general ability, the system of education pursued at the Oriental College will be of still less practical use than it is at present.

The following is an abstract of the number of pupils studying at the Institutions under our controul, on the 31st December last, as far as it can be collected from the returns with which we have been furnished.

	Hindus.	Mahomedan.	Christians.	Of all other Religions.	Total.
Calcutta, { Medical College, ... } No return.	407	..	..	..	407
{ Hindu College, ... }	..	132	..	..	132
{ Mahomedan College, .. }	135	..	..	..	135
{ Sanskrit College, .....	25	..	..	..	25
Poorce, .....	4	1	32	69*	106
Moulmain, .....	77	33	3	..	113
Gawahatti, .....	..	..	..	..	136
Dacca, .....	77	42	5	..	124
Hoogly, .....	No return.	..	..	..	..
Moorshedabad, .....	Establ. since the 31st December, 1835.	..	..	..	..
Rajshahee, .....	..	..	..	106†	106
Bhaugulpore, .....	94	30	11	..	135
Patna, .....	32	10	..	..	42
Ghazeepeer, .....	123	13	..	..	136
Benares, { English Seminary	282	..	..	..	282
{ Sanskrit College, .....	..	..	..	..	453
Saugor, .....	Establ. since the 31st December, 1835.	..	..	..	..
Jubulpore, .....	Ditto ditto ditto.	..	..	..	..
Hoshungabad, .....	78	25	6	..	109
Allaha- { English School, ..	..	..	..	..	80
bad, { Oriental Ditto, ..	289	90	1	..	300
Agra, .....	Establ. since the 31st December, 1835.	..	..	..	..
Furruckabad, .....	Ditto ditto ditto.	..	..	..	..
Bareilly, .....	39	60	13	..	112
Meerut, .....	128	54	6	..	188
Dellui, { English College, ..	91	106	..	..	197
{ Oriental Ditto, ..	Establ. since the 31st December, 1835.	..	..	..	..
Ajmeer, .....	1891	596	77	175	3398
Total, ....					

Of these 1,818 are studying English, 218 Arabic, 473 Sanscrit, 376 Persian, 40 Mahratat,† and the studies of the remainder are confined to the vernacular language of the Province. A large proportion of the whole, however, learn the vernacular language in addition to their other studies, and we are anxious that the practice should become universal.

#### FINANCE.

The preceding portion of this Report for the most part extends only to the beginning of 1836, but as the year of account ends on the 30th April, our Financial Statement goes up to that date. The result, it will be seen, is highly favorable. Notwithstanding that numerous arrears of printing charges and subscriptions to books connected with the old plan of operations have been cleared off, and ten new Seminaries have been established, our disbursements have fallen short of our income by 11,707. We are not however desirous that any part of the funds at our disposal should be suffered to accumulate. Hoarding forms no part of our plan, and as there is no want of beneficial objects on which to lay it out, we think that the whole of our available income should be regularly expended within the year.

The following has been the order of our Financial arrangements during the past year. On the cessation of the Arabic and Sanskrit printing and translations, we immediately established six new Seminaries at Gawahatti, Dacca, Poorce, Patna, Ghazipore and Meerut at a total expense of 1,765 Rs a month. Some months

\* These are Burmese, Chinese, Parsees, Malays and Shans.

† These are the Hill people. What their religion is, is not exactly known, but it is probably a rude kind of idolatry.

‡ This class has since been abolished.

afterwards a Sub-Committee of Finance was appointed, which reported that after setting aside 950 Rs. a month for books and other contingencies, 1,500 Rs. a month were immediately available; upon which we resolved to establish five other Seminaries, at Rajshahi, Furruckabad, Bareilly, Ajmeer and Sehoré. After that the Sub-Committee subjected the monthly abstracts of the different Institutions to a searching investigation, in the course of which they recommended several reductions of expense.

We consider it very desirable that our disbursements should be confined as much as possible to the salaries of Professors and School Masters and other items of a fixed nature, and that all fluctuating expenses should be defrayed from local resources. This remark applies particularly to the books required for the use of the different Institutions. The Seminaries under our controul have now become so numerous, that it is difficult for one office to supply the new books of various kinds of which they continually stand in need, with the requisite promptness, and we fear that the progress of the pupils has been retarded by the delays which have occasionally taken place. The constantly recurring demands on this account also take up much of our time which ought to be employed in the business of control and improvement and not in mere details, and as we cannot know what books are really required at each Institution, it is impossible for us properly to check this item of expenditure. We are therefore anxious that the Local Committees should act independently of us in this respect. The School Book Society has established several Depositories in different parts of the country at which all the usual class books are to be had, and any others that may be wanted, to be given as prizes or for any other purpose, may be procured from the book-sellers in Calcutta. With regard to the sources from which the expense of books may be defrayed, we propose, 1st - that every pupil who is not prevented by poverty should be required to pay for his own books. 2ndly, that a subscription should be kept open at each place where an Institution exists, for the purpose of supplying poor students with books, and of buying prize books and Scientific Apparatus of different kinds, and lastly, that the General Committee be applied to for assistance only when both these resources have failed. A Circular Letter which we have addressed on this subject to the Local Committees will be found in the Appendix.\*

The Circular Letter in the Appendix† will shew the means we have adopted to secure the lapsed stipends being regularly brought to account. The outlay on this account at each of the Institutions where stipends were allowed at the commencement and end of the official year was as follows:—

	MAY 1835.		APRIL 1836.		DIFFERENCE	
	No. of Stipendiary Students.	Sicca Rupees.	No. of Stipendiary Students.	Sicca Rupees.	No. of lapsed Stipends.	Amount of Saving.
Madrisa, . . . . .	91	648	62	477	29	171
Sanakrit College, ..	84	537	65	388	19	149
Benares Seminary, ..	8	47	9	50	1	3
Benares College, . . .	142	356	130	349	3	19
Agra College, . . . . .	168	481	148	421	0	60
Delhi Institution, ..	76	245	46	158	30	87
Ditto College, . . . . .	276	642	802	508	68	134
	845	2959	677	2351	170	623

Finally, we solicit the permission of your Lordship in Council to print this and all our future Annual Reports for general information. The success of any plan of national education essentially depends on the possession of the public confidence by the conductors of it, and on the existence of such a degree of knowledge of the subject on the part of wealthy and influential members of the community as will suffice to secure their intelligent co-operation; neither of which objects, it is obvious, can be secured unless we are permitted periodically to make known the general results of our proceedings. As the measures which have been adopted by us to reduce to a well organized system the efforts of the different parties engaged in this great work have only lately begun to take effect, the present Report is necessarily imperfect in many respects, but we hope that the next Report will present a more complete and better arranged view of our proceedings, besides containing a greater number of interesting extracts from the Reports of the Local Committees and Head Masters.

We have, &c.

(Sd.) T. B. MACAULAY. (Sd.) J. R. COLVIN.  
 „ F. RYAN. „ ROSS D. MANGLES.  
 „ H. SUAKESPEAR. „ C. E. THEVELYAN.  
 „ B. H. MALIN. „ J. YOUNG.  
 „ C. H. CAMERON. „ RADHAKANT DEB.  
 „ G. W. SMITH. „ RUSSOMY DUTT.  
 „ R. J. H. BIRCH.

I have recorded a separate Minute.

H. T. PRINSEP.

FORT WILLIAM, the 26th July, 1836.

We now proceed to make some final remarks on the report of the Education Committee.

We congratulate the public on the resolution which the Committee has come to of publishing a full annual report of their proceedings. This, as it appears to us, is a most important measure. Previous to this, the public might or might not have a general notion that the fund set apart from the national income for the purpose of national education was properly administered, but having no knowledge of the details of the system, they could take no personal interest in it. Now, every individual may become almost as intimately acquainted with the subject as if he were himself a Member of the Committee of Public Instruction. He may freely comment on every thing that is done; may propose the correction of whatever appears to him to be amiss; may recommend such improvements as his study or experience may have suggested to him, and if he is able and willing to assist from his pecuniary means, he will know how his money may be laid out with the greatest advantage for the support of the system, and will be in possession of a pledge, in the publicity which will hereafter be given to all the proceedings of the Committee, that his contribution will be strictly applied in the manner intended by him. The Committee have now thrown themselves on the public, and it may fairly be expected of the public, in return, to correct them where they are wrong, and support them in what they appear to be doing right.

The ultimate aim of the Committee is described by them in the following words, "in extending our operations, we endeavour to keep two objects simultaneously in view. We try to widen the foundations of the system, at the same time that we consolidate and improve it. It would be our aim, did the funds at our command admit of it, to carry the former process on, until an elementary school for instruction in the vernacular language should be established in every village in the country, and the latter, until a College for Western learning should be endowed at the principal town of every Commissionership, or circle of two or three zillahs, and ultimately in every zilla."

These are high aims, and can of course be accomplished only by slow degrees. There are 27 seminaries reported on, extending from Bareilly to Maulmein, and we understand that three more have since been established or adopted into the system, at Midnadoor, Chittagong and Goruckpoor, besides the surprising enlargement which has taken place of the institution at Hoogly. We hope soon to hear that a seminary has been established at least at every zilla station. Large towns are the natural seats of wealth and intelligence; national improvement has always emanated from them, and in the present instance, by occupying them first, we shall have the additional advantage of European experience and European superintendence to watch over the springs of the system of national instruction. The zilla stations are, as is well known, for the most part fixed in the principal towns of each district.

Instruction in the zillah seminaries will, of course, be mainly conducted through the medium of the English language, but we strongly recommend that every boy should also be taught to write with ease and correctness in his own language. This is indispensable, if it be intended, as it certainly must be, that these boys should afterwards become instructors to the rest of their countrymen, as authors and schoolmasters. The necessity of a strict adherence to the rule, will be particularly obvious when it is recollected that we must depend upon the zilla schools for a supply of properly qualified masters for the Kusba and village schools, in much the largest proportion of which instruction will be carried on in the native language only.

We are much gratified by observing that the general Committee has resolved to establish a good Library in connection with each of its seminaries, and has already taken measures to lay the foundation of a supply of books for them. We consider this to be a most necessary part of the machinery of Indian enlightenment. It cannot be too often repeated that an acquaintance with the English language is useful only so far as it is made the medium of imparting knowledge which is not to be found at present in the native languages. Much of the dis-favour with which it has been regarded is owing to no proper means having been taken to inspire the youth educated by means of it,

with a taste for reading, and to supply them with entertaining and instructive books. The young men educated at the capital are best off in this respect, and the Hindu College Prize Essay, which will be found in another page, copied from the Appendix to the Report, shows a considerable extent and variety of reading. In the Provinces, however, with very few exceptions, the students have nothing to read while they are at the seminary, except their class books, and after they have left it, they have no means whatever of keeping up their reading, and must retrograde, unless they happen to be acquainted with some European gentleman who lends them books, or are supplied through some other equally precarious channel. Now, however, a Library has been established at each seminary, and as the seminaries are multiplied, the libraries will be multiplied also. We hope that the friends of native improvement will everywhere aid in this benevolent design. There are few European gentlemen, who have not some books which they might without inconvenience to themselves, send as a contribution to the Seminary Library, and every one will now have an opportunity, on his departure to England, of making his private library permanently and extensively useful to the public, instead of selling it at a price much below its real value. The circular letter directing the establishment of the libraries, and the rules which have been suggested for their management, which are subject, however, to such modifications as the local Committees may think desirable with a view to adapt them to the circumstances of each place, will be found in a subsequent page. The books are stated to be intended for the use of all persons belonging to the seminaries who are capable of making use of them, but we conceive it to be within the competence of the Local Committees, under the discretion which has been delegated to them, to make the libraries more generally useful by opening them to the public on condition of the payment of a moderate monthly or quarterly subscription.

To conclude, we thoroughly approve of the general outline of the system which has been adopted, and we believe that a plan of national education has now been organised, which, if it be properly followed out by the Government and properly supported by the community, will form one of the most important means of Indian regeneration. Those expenses which are of a fixed and permanent nature (the salaries of the school-masters for instance) naturally fall upon the Government, but it is very desirable that those which are only occasional and varying in amount, should be defrayed, as far as possible, by the voluntary contributions of the society of each place where a seminary is established and of its neighbourhood. The general Committee complain of the heavy demands which are constantly pouring in upon them for books—books for the libraries—books for prizes, and class books for poor students. This, taken in the aggregate, causes a considerable diminution from their resources, and prevents them

from establishing new seminaries at places where they are required, while it is impossible for them to exercise the same care in the selection of such a multitude of books as each Local Committee would be able to do, if it provided for its own wants. We hope, therefore, that the society of each station will annually open a subscription for the purchase of the necessary books and stationery, and those who are disposed to make more extensive donations, may apply them with advantage to the purchase of maps, globes, orreries and other scientific apparatus, or in building or purchasing houses for the use of the seminary or for the residence of the masters or professors, who ought, wherever it is practicable, to reside on the spot. It will be observed that the proper application of all such donations may be looked to by the donors themselves.

## HINDU COLLEGE ESSAY.

*On Printing.*

To preserve from oblivion the religious ceremonies laws and renowned actions of sages and heroes, mankind, in the primitive ages of the world, had recourse to metre. The simple and crude laws of the early inhabitants of ancient Greece were set to music and chaunted in fairs and other public places in times of festivity and merriment. But experience taught our barbarian ancestors that oral tradition could hardly be credited after the lapse of a few centuries. So many and so extravagant were the errors that crept into unrecorded but genuine history, that a more lasting monument of their exploits was deemed requisite. Amongst the variety of objects with which men are surrounded, it is natural that those should be selected, which are comparatively speaking of an unperishable nature. The decrees of Solon, the laws of the 12 tables, contracts, wills, epitaphs, treaties and conventions were all engraved on stone, metal or wood. Before the invention of the Divine Art of Printing, as it has been emphatically called, men were absorbed in the grossest superstition. Alfred and Charlemagne, by erecting schools and endowing monasteries, had shed only a temporary lustre over the intellectual horizon of Europe. The monks being the only instructors of youth, the communication of knowledge was very slow and imperfect. Incredible legends, unedifying homilies and trile expositions of the scripture were the only learning of that dark period. The contracted ideas of the monks, their outward austerity, their religious opinions, their depraved morals, rendered the communication of knowledge in their hands utterly unfit. Science degenerated into barbarous sophistry and genius remained mute and inglorious in the fervour of the theological controversy. Learning was thought incompatible with primitive simplicity and genuine piety, the ancient poets were represented as seducers to the path of destruction. Virgil was a pimp of hell, Ovid a locherous fiend, and Cicero a foolish declaimer. But the human soul was soon roused to exertion by the instruction of some enlightened Arabs, who were then the preceptors of Europe. A more liberal way of thinking was introduced, a taste for ancient literature revived, more useful branches of science were taught, and the minds of men were prepared to appreciate the advantage of an invention that soon followed. Printing was invented in the middle of the 15th century and in the course of a hundred years attained its noon-day splendour. This wonderful invention was at first of a rude and simple nature, consisting of whole pages carved on blocks of wood or marble. The formation of

moveable type was a grand step towards its present improved state. The Clergy, finding it inimical to their interests, became its inveterate foes. They attributed the origin to the Prince of Darkness; thunders of the Vatican were directed against it; it was called the great Dragon, the Anti-Christ, foretold in sacred history. But still it flourished. It soared with unwearied wings far above the artillery of malignant monks. Ere a century expired, Europe saw the embers of learning in a blaze, saw the expiring lamp relumed, witnessed the decay of Popery, of abject despotism, and a material change in the habits and opinions of mankind. In short, the invention of Printing made a complete revolution in the human mind. Happy is it for mankind, that it has withstood all the artifices and hostility of its selfish opponents. Had it been strangled at the very moment of its existence, had some dreadful fatality, some unaccountable intrigue checked its growth, in what a state would the world have been now! Just conceive that we were living in an age when Popery was the universal religion. Just conceive that the utterance of a single word derogatory to the dignity of the Vice-greent of Christ, the proud representative of the humble fisherman of Galilee, subjected us to be condemned by the Inquisition as a public malefactor or murdered by the decree of holy Vheim and you will perceive the benefits of Printing. Prior to the invention of Printing, there existed only few copies of works of genius. No private individual could defray the expense of copying. And then what liability there was of their being destroyed by some barbarian hand. How many instances there are of such wanton acts of tyranny? What loss has there been to the intellectual world by the devastations of Alaric, Genserik, Odoacer, Edward 1st, and Caliph Omar! How will posterity brand the memory of the 1st Edward for destroying the literature of Cambria! How will the grim-visaged Omar answer the charge of intellectual destruction of the Sacred Nine before the eternal tribunal. The barbarian fury of Alaric and Genserik, the machiavelian policy of the 1st Edward, and the blind fanaticism of Omar have left a chasm in the intellectual world which ages must pass ere it can be closed. Those persons who had collected by considerable labour and expense, a number of books, considered themselves extremely fortunate. They took care not to lend them to any person without a sufficient guarantee for their return. When a person who had an ardent passion for literature wanted to buy some books, he knew not where to procure them. There were no gazettes, no printed advertisement to inform you where and of whom they were to be had. And even when it was known where they were to be produced, it was difficult for a man of ordinary rank in society to make them his own. The extravagant expense of copying placed them beyond the reach of the greater portion of mankind. What innumerable errors must have crept into philosophy, and what rubbish must have been thrown over true learning, what trash, what sophistry must have supplied the place of genuine wisdom, when the fallacious notions of one philosopher were not rectified by the correct ideas of another, when the atheistical opinions of one were not refuted by the good sense of another, when the sophisms of cavillists remained unexposed and the assertions of dreamers passed uncontradicted! What infinite reveries, numberless extravagancies must have made their way unchecked, unchallenged, to the seats of learning! How much on the other hand must have been uncommunicated and individual learning! The mind of man is the same in every period of the world; it undergoes no important change; the passions and impulses that had an influence over it in the antediluvian ages have the same mastery over it now! If we peruse the glowing pages of Homer and of Virgil, if we study the logic of Aristotle, the philosophy of Plato, if we read the eloquent harangues of Demosthenes or Cicero, we seem bewildered at the cause of the barbarity

of mankind at the time when they flourished. But when we consider that there was no method of transmitting knowledge, that the genius of Homer, the talent of Aristotle could have only been beneficial to those that surrounded them, the illusion vanishes. How slow must have been the diffusion of learning and the progress of truth, when the discoveries of one philosopher were not accessible to another! How rude must have been the state of society when leaves, barks and parchments were the instruments of communication. In what a barbarous state mankind must have been when the edicts of the greatest potentates of the earth were promulgated by the trumpet and preserved on marble. But what a change has been made by the invention of Printing. What glorious improvement in literature, philosophy and medicine! How easily can an author convey the fruits of his study or imagination. How easily can the works of the highest genius be procured! What an infinitely less expense is necessary to form a library. When we consider with what facility instruction can be conveyed, when we consider with what wonderful rapidity a discovery made in the remotest corner of the globe can be divulged, when we consider that a speech in the British Senate of the most momentous consideration which took 12 hours in the delivery is printed and made known to thousands of persons the next morning, the advantages of Printing become obvious. Just consider for a moment what would have been the surprise, the pleasure of Demosthenes or Cicero had he found on his table, after a short repose, his yesterday's address to the Senate! If now by some dreadful convulsion of nature, some mysterious agency of the evil spirit, the invention of Printing were forgotten, consider of what benefit the genius of Scott, of Byron, of Campbell, and of Moore, would be to mankind. What would the learning of Brewster, of Herschel avail, when the inventions of their highly gifted minds could be known only to their most intimate friends! It would be the most dreadful state of society. The use of Printing is as the air we breathe; without it we languish and die. Student of History, think for a moment and tell me what calamity is greater than the destruction of every volume of the annals of mankind, and no trace of its former existence to be preserved even in memory. Tell me ye politicians, ye philosophers, ye divines, what ravages of heroes, what pestilential disease, what fall of empires and crush of nations can equal this dire calamity. But the invention of Printing has also its peculiar disadvantages. The world has been filled with such an infinite number of idle books, tending to increase the love of pleasure, of dissipation and of vice, such trashy articles have gone abroad, amongst which can be numbered the present essay, that instead of instructing they distract the attention of mankind; such heresies have been propagated; such private scandal has been published, that we cannot but lament that with so glorious an invention there should have been wedded such injurious consequences. But the advantages far outweigh the disadvantages. What though there has been an infinite number of worthless publications? What though there has been a partial perversion of morals and primitive piety, what though there have been wanton innovations to gratify the avarice, the vanity and the misanthropy of hungry, foolish, and wicked men! The extensive general beneficial effects on morality and religion will endear it to the latest of posterity! The evils will pass away in the triumph of time, of civilization over barbarism, of truth over falsehood. Two centuries only have elapsed since the invention, and behold the mighty consequences. Is it possible that from a commencement so feeble, there has gone forth a progress so steady, an expansion so gigantic, a benefit so glorious? During the middle ages, the universities, the monasteries and the libraries only of the great contained books. But now behold the splendid saloon of the lord of a hundred manors in England and the hut of the poor cultivator of one acre of ground, and tell me whether or not you will

find in both the works of Scott and Lardner. The invention of Printing then may be deemed the most glorious in the annals of mankind. May angels continue to hover over its safety, and may that God in whose hands are the issues of all things, perpetuate to us the inestimable boon, which through the agency of some obscure men of Germany, he has bestowed, and continue to render it the happy instrument of exposing the enormities of kings, of the heinousness of private individuals, of the diffusion of knowledge and the increase of civilization.

KYLAS CHUNDER DUTT,

*Hindu College 1st Class.*

16th February, 1836.

No. 3.

*Circular letter directing the formation of Libraries and prescribing Rules for their management.*

SIR,—I am directed to inform you that it is the intention of the General Committee of Public Instruction to establish Libraries in connection with each of the Seminaries under its control, for the use of the Masters and Students.

2. With a view to this object, you will shortly receive a selection of juvenile books printed in America, and a still larger number of standard works have been ordered from England.

3. It is also hoped that the Libraries will be increased from time to time by private contributions. The donation of appropriate books to the Seminary Libraries will be a cheap and effectual way of aiding the spread of sound knowledge in this country.

4. The enclosed Rules may be adopted for the management of the Libraries, with such alterations as local circumstances may render desirable.

5. The General Committee will be prepared to sanction the appointment of a Librarian on a salary not exceeding 10 Rs. a month. This office may be conferred as a reward on a deserving student, who may be exempted as far as may be necessary for this purpose, from the ordinary school routine.

I have the honor to be, &c. &c. &c.

J. C. C. SUTHERLAND, Secretary G. C. P. I.

Fort William, the 18th June, 1836.

#### LIBRARY RULES.

1st. The books are intended for the advantage of all those persons belonging to the Seminary who are capable of making use of them.

2nd. They will be available upon application to the person who has charge of the Library.

3rd. The Library will be open from 9 till 4 every day, Sunday excepted, during which time any of the persons above adverted to may consult or read any of the books in the Library itself.

4th. The same person will be allowed to take any books home with them on the following conditions.

5th. No more than one volume must be issued at the same time to the same individual. That volume must be returned before a second is delivered.

6th. A duodecimo volume must not be kept longer than a fortnight; an octavo than a month; a quarto than two months.

7th. A register will be kept of books lent out, in which a person taking away any book must sign a written receipt which will be cancelled on his returning the volume.

8th. A person losing or damaging a volume must pay its value or replace it with a similar book; and when it belongs to a set, he must, if he cannot replace the volume within a reasonable period (three months at most), pay the value of it.

9th. A person having any book in his possession must return it on application from the Librarian, although within the time for which it may be retained.

10th. Any volumes required for the temporary use of any of the classes, may be lent upon the head teachers being severally responsible for the departments under their personal superintendence.

11th. The time during which such volumes are lent will be regulated by circumstances, but they are not in such cases to be suffered to leave the school-room.

12th. Books borrowed by one person must never be transferred by him to another, but must invariably be returned to the Library when no longer wanted, or when the time for which they are lent expires.

13th. Any person disregarding or violating the above Regulations will be prevented from having access to the Library, or be subjected to such other penalty as the Principal or Head master, acting under the orders of the Local Committee, may think expedient.

14th. Any one defacing the books shall be refused access to the Library, and no more than two boys shall be admitted at one time to the Library.

Our attention has been called to a see-saw article in the *Englishman* of the 12th Oct. on the subject of public education in India, in which there is a curious attempt made to prove, that between those who advocate the employment of English as the chief medium of instruction and those who advocate the employment of the *vernacular* tongues for the same purpose, there is hardly any difference at all. However, the advocates of these two systems know very well where the difference lies between them, and that it is one utterly irreconcilable by any compromise.

In order to clear up a point which it is the constant labour of many in this country to darken and confound, if they possibly can, it is worth while to recall to the memory of the public that what each party professes to consider as the END sought, what each professes to define as the INSTRUCTION meant to be conveyed, is instruction in *European* science and literature. There are none, or at least very few, who openly maintain, that in addition to the Koran, Mahomedan students should be expressly taught, through the medium of Arabic and Persian, such fragments of the astronomical, geographical and medical systems of the Greeks, as have got through the medium of translations into the literature of those Eastern nations:—there are fewer still who openly maintain, that through the medium of Sanskrit the worse puerilities that disgrace the early literature and poetry of the Hindoos, and the rubbish that now disfigures their systems of science, should be at the public expense, expressly and carefully inculcated. No, the advocates of the employment of the *vernacular* tongues as a medium say, we also seek the same END as you do, namely, the diffusion of *European* knowledge; but our means are the easiest to

the learners, the cheapest to the State. We flatly deny both assumptions as far as the present period is concerned; let us examine them.

What may be the precise number of dialects in our Indian possessions strictly entitled to be called *vernacular*, we profess ourselves wholly unable with probable accuracy to guess at: but, we should suppose, that taking into account the Straits and Ceylon, it would be a very moderate guess that should state them at ONE HUNDRED. What is called, or mis-called, oriental literature, is *not* contained it will be borne in mind, in *any* of the *vernacular* dialects of India; but, setting aside the Chinese and Tibetan, and the literature of the cognate races and tongues, nearly all this oriental literature is contained in three languages, the Arabic, the Persian, and the Sanskrit, *all* as difficult to teach to the proposed learners, or very nearly so, as English, and which, if taught, would not only not advance the pupil in the least degree towards the END proposed, but quite the contrary; for the acquisition of this literature would fill him with the conceit of learning, (unless of a very rare order of mind) and only prove a stumbling block in the learner's path, if he were willingly or unwillingly to try to acquire a knowledge of *European* science and literature in addition to his other attainments. But to resume the consideration of the MEANS; we will suppose the acquisition of oriental literature by State aid out of the question, and that each of one hundred bodies of pupils is bent on attaining the END, namely, the acquisition of *European* knowledge through the medium of its own vernacular dialect. THERE IS IN SUCH CASE NO LANGUAGE TO BE TAUGHT THE LEARNER IT IS TRUE, BUT EACH LANGUAGE HAS TO BE TAUGHT THE LEARNING. We are content to place the whole result on a candid answer to the question—which is easiest? At the first plunge, if we are to translate English extensively, we have a hundred erudite translators at work, translators not only of rudimental books, but history, ethical and natural philosophy, oratory, poetry! or else portions of each. And this, forsooth, would be comparatively CHEAP and EASY!

We are plain speakers, and if we can find it, like to go at once to the "root of the matter," and that in this question, "lieth within a small compass," as it seems to us. It is very good to encourage the learned labour of gentlemen who devote themselves to the useful and ennobling cultivation of *oriental* literature, even with the public money, but NOT OUT OF THE FUND FOR PUBLIC EDUCATION. A man who has learned much may often be able to teach very little, and that is especially the case if the mind is employed exclusively on abstruse or out-of-the-way subjects. To employ gentlemen of high literary attainments on translations into the *vernacular* languages, (even when willing to injure their health for the sake of the public) at the rate of a gold-mohur or two a sheet, is to make even rare learning rather too costly and ordinary

philanthropy quite unpurchaseably dear. Now we pray attention to this remark,—we must either employ *exclusively* gentlemen of high attainments, or give up the scheme: between the good and the bad among translators for such a purpose, there is no medium; the middling are good for nothing, and surely it would be easier to find a hundred-handed translator than a hundred-headed and tongued one. If the good were alone taken, we might divide the number one hundred by tens, and twenties, aye, and fifties too, let gentlemen of Polyglott reputations say what they may. The only way in our opinion, in which translators can hereafter be procured at a sufficiently cheap rate to admit of an extensive system of translation into all the dialects of India, will be by first giving a good education through the medium of English to a large proportion of the upper and middle classes of the inhabitants of the districts in which those dialects prevail. The native translators so raised up will be *volunteers*, and thus not only the cheapest but the best. The most idiomatic translators are notoriously those who translate *into their own language*. What blundering work would be made of a system of translation into English if it were to be conducted by French and Italians.

We have a political aversion to this *translation* scheme. We can conceive no engine more insidiously adapted to serve to the prejudice of higher, the mere personal, interests of those who now labour so meritoriously in the work of converting the natives to Christianity: none more likely gradually to divert the whole plan of Indian national public education into an English sectarian scheme for propagating a particular mode of our own religious faith. And for this plain reason, there are few persons of the requisite talents and industry now to be found in India, or likely to be furnished exclusively for that purpose from England, who could engage in the task of translation and education so cheaply, as Missionaries, and though the Missionaries of the English and Scotch established Churches and those sects who differ so little from the English Church as easily to condescend with it, would not perhaps work quite so cheaply as some others, yet with certain other advantages which the English State affords the English Church, they would quite underwork and overlay all laymen. Although there are only ten thousand pounds a year appropriated to the purpose of public education in India at present, that sum may possibly at no remote period be much increased, and then we shall see a different feeling excited, and more energy displayed. “Where the slaughter is, there will the eagles be gathered together,” and we do not think we have been mistaken in supposing that the foremost ranks of candidates will start forth from the bosom of the respectable communities we have indicated.

We trust we run no risk of being misconstrued or misunderstood in the remarks we have made on this subject. Every true Chris-

tian, of whatever mode of faith or discipline, must rejoice in the anticipation that at some happy, even if very remote period, our Indian fellow-subjects shall, by force of their own universal conviction and no other means, be reclaimed from, and renounce the errors they now follow as the truth: yet, none but zealots, who too often lose all sight of justice, and are prepared to act on the principle that the end sanctifies the means, can possibly maintain that *national* education in India, ought to have the least bias towards proselytism. If masters of the clerical profession were extensively employed in this work, such a bias *must* creep in, and it is our firm conviction, that if the *vernacular* languages are to be relied on as the chief medium of instruction, that plan would almost unavoidably give a large preponderance to the clerical influence in the choice of candidates; and that, from their body, more than a due proportion of teachers would be selected. We trust also that we cannot be supposed to mean that the literary labours of Christian Missionaries, whether employed in the task of translation or original research, should not have their full share of encouragement and aid from Government; all that we do mean is, that the *vernacular* plan is open to the objection that it must give a preponderance, if not a monopoly, to a particular class; and the political inconvenience of employing it would not be counterbalanced (we think) by the economical advantage.

We hope, too, that we have guarded ourselves from the imputation that we undervalue high attainments in oriental literature,—we wish that such exertions should have their full reward, but not, as we said before, out of the fund for the public education of the people, already much too scanty. Such labours, indeed, always have their full reward; they earn for the oriental scholar a reputation in proportion to the rarity of the acquirement and rather out of proportion to its usefulness: the mind, too, that has persevered and succeeded in such barren and ungrateful studies, generally enjoys, (as is natural) in a full measure the satisfaction of self-esteem. Whatever light the labours of the Sanskrit scholar may throw on the origin and affinity of languages, and the early connexion of the different tribes of the human race (and in that track some considerable results may be arrived at,) it is not reasonable at this time of day to hope that, in ethics or natural philosophy, in authentic or rational history, or in poetry, we shall meet either with facts or models worthy of esteem or memory. This is the unavoidable drawback to such reputations, and the reason against state encouragement of such pursuits. The labours of an eastern scholar are but too often on a par in point of currency and usefulness with those of the mere antiquarian, and remind us of the epigram addressed to Thomas Hearne.

“Quoth Time one day to Thomas Hearne  
Whatever I forget, you learn;  
D—n it quoth Hearne, in furious fret,  
Whatever I learn you soon forget.”

It will have been observed, that we have been speaking throughout of the application of funds appropriated by the *State* to the end of public instruction, and with such funds we unhesitatingly and uncompromisingly advocate the employment of the English language as the chief means, if by instruction be intended, as we presume it is, instruction in European science and literature, a very large body of which is contained in the English language. As to the appropriation of funds left by private donors towards the foundation of schools and colleges—in the application of such funds due regard must be had to the intentions of the donor if possible, and in such cases many very difficult and delicate questions may arise, which the most subtle casuist could hardly resolve so as quite to satisfy all tender consciences. The scheme of the Hooply College is in our mind at the time of writing; and we cannot but confess, that we have our doubts, whether in that case, considering from whom the funds came and the terms of the bequest, rather too English a character has not been given to the institution; however, it is a difficult and an invidious question to discuss, and one which we shall at present avoid, with some intention, however, of recurring to it, and taking the opportunity presented by the establishment of that College, to discuss the general principles that ought to govern in like cases the creation of such institutions. In the meantime it must not hastily be taken for granted, that we intend censure of the Government plan, which has unquestionably been well considered: but, as far as at present informed, we think the principle open to some doubt.

We republish recent articles from the *Reformer* and the *Friend of India* on the latter portion of C. E. T.'s letter which relates to the English and native languages. The *Reformer*, it will be observed, shakes hands with C. E. T. and acknowledges him as a peacemaker. The *Friend of India*, on the contrary, still carries on the war, but in so wounded and disabled a condition, that if he had not felt himself bound in honor to continue his protection to a whole brood of little vernacularists whom he has for some time past been sheltering under his wing, we think that he would have followed the sensible example of his brother Editor. How lame he has become, will be seen at once from the precarious nature of the props on which he is obliged to lean.

C. E. T. asserted that although the vernacular languages may be sufficient for the purposes of a liberal education a hundred years hence, they certainly are not so now. How does the *Friend of India* meet this? Not by denying it, which he could not do, but by arguing that something less than the period mentioned will suffice to make them fit. This is mere special pleading. The question at issue was not, whether exactly 100 years, or 20 years more or less, is the period within which a vernacular literature will be formed sufficient to give the Indian student a liberal education

in the European sense of the term, but whether such a literature does or does not exist at present. The *Friend of India* acknowledges that it does not, from which it follows that we must teach English till such a vernacular literature is created, whenever that may be.

The *Friend of India* says that less than 100 years will suffice to create such a literature, and what are his reasons? The native languages, he says, want pliancy, and they want a larger vocabulary of scientific terms, to adapt them to the present state of European knowledge. Pliancy will be obtained by use, and as two-thirds of the English scientific terms have been engrafted on that language within the last fifty years, there is no reason to suppose that a longer period will be required to accomplish the same object in India. We have nothing to say against this; but the *Friend of India* has overlooked a far more essential want than either of those which he has mentioned—the want of books.\* The Bengalee is a language without a literature. It cannot boast of a single standard work. There are a few school books, and there is the Bible, but with these exceptions, the entire body of European learning, all our works of science, all our works of imagination, have to be reproduced in this as well as in the other Indian languages. How long it will be before this takes place, we do not pretend to say, but we are sure that until it does take place, English must be had recourse to for the instruction of all who aspire to a liberal education. We are also sure that a knowledge of English science must precede the transfer of that science into the native languages, and the sooner we lay the foundation, the faster the superstructure is likely to be erected.

The philanthropy of the *Friend of India* is startled at the idea of 100 years being necessary to put India on the same footing as England in regard to that great ultimate medium of national instruction, a vernacular literature. He seems to forget that we are talking of nations not of individuals. We shall probably be dead 20 years hence, but the nation will be alive, and, we hope, will be in a more flourishing state than ever, at the end of this, as well as of the following century. Without including Chaucer and other writers whose works are in too antiquated a style to be of much use at present, the existing standard of English literature is the growth of the last three hundred years; but do we enjoy it, or profit by it less, because it has been so long in making? The generations which will exist in India 100 years hence and afterwards, will not thank the *Friend of India* for having left them out of account. There is a narrow, and there is an enlarged philanthropy, and we think that if the *Friend of India* would stretch his vision into the future, he would see things

\* As the *Friend of India* disputes the accuracy of C. E. T.'s conjecture, we should like to know how long, in his opinion, it would take to create in Bengalee a literature equal, not to the English, but to the French German, Italian or any of the second-rate European national literatures which are at all fit to be the medium of a liberal education.



which are not dreamt of in his present philosophy. In literature as in politics, we do not agree with those who confine their attention to providing for the wants of the passing time. „

The *Friend of India* asks whether the great body of the people are to be left in a state of ignorance, while a vernacular literature, capable of becoming the medium of a liberal education, is being formed? We answer this question by another. Will the great body of the people ever be able to receive a liberal education? A life devoted to manual labour from an early age, does not admit of much mental cultivation. Even in England, the most civilized country in the world, the utmost that is aimed at in regard to the working classes, who compose the great body of the people, is to teach them to read, write and cast accounts. Nay, many sincere philanthropists have been content that they should, merely be taught to read their Bible. We are anxious that the working classes should have all the mental cultivation which their leisure will admit, and it will not be difficult to provide for this object, at the same time that the process of English instruction, and the transfer of English knowledge into the vernacular languages is going on among the higher orders. There is one class of the community which devotes itself to intellectual, and another which devotes itself to manual labour. For the former, the extensive use of the English language will be indispensable for a long time to come. With regard to the latter, the books which already exist in the native languages are rather above than below the standard of what the same class of people generally peruse in England. But we would by all means have better and better books in the vernacular languages prepared for the labouring class, and knowledge made of more and more easy attainment by them during their short intervals of leisure.

The *Friend of India* next acquaints us that an "acquaintance with a foreign language which confers wealth and distinction, is more likely to narrow the mind with selfishness than to expand it with benevolence,"—that it will "inspire the English scholars with anything but a desire to diminish their own importance by the elevation of the class below them," and he attributes the little attention which is paid by the natives to the vernacular language entirely to their love for English.

All this we deny. English literature is based upon totally opposite principles from the Sanskrit and Arabic literatures. It is true that they teach arrogance and exclusiveness, but English literature, perhaps because it is imbued with the spirit of a religion, the great characteristic of which is its tendency to elevate the mass of the people, teaches moderation and diffusive benevolence. The native inhabitants of Calcutta who are most distinguished for their support of every benevolent design, are those who have drunk deepest of our English literature. So far, also, from having shown any desire to keep their superior

knowledge to themselves, they are the only class who have made any efforts in the cause of popular education. The Hindu College was founded by them. The late Rammohun Roy, Kaleenath Chowdry, and other individuals from among this class have established schools at their own expense. Even the poor students of the Hindu College, who have no money to spare, devote a portion of their time to the instruction of their countrymen, and in this way several free schools have been established, two at least of which we know to be still in existence. There are also several schools, one of which, that of Gour Mohun Eddy, is a very large one, which are supported by natives as a mode of gaining their livelihood. These facts prove that there never was a more unfounded imputation than that the tendency of English knowledge, acquired through the English language, is "to narrow the mind with selfishness," and "to inspire the English scholars with anything but a desire to diminish their own importance by the elevation of the class below them." The fact has been exactly the reverse of this. If it were necessary to do so, we could mention numerous other instances in support of our assertion. Out of forty-one ex-students of the Delhi College who have procured employment, a list of whom is given in the appendix to the Report of the Education Committee, no less than sixteen are engaged in the business of instruction, and we know that several others, although officially employed in other duties, devote no inconsiderable proportion of their leisure to the instruction of others. Wherever the youth educated in this manner go, the same effect is seen. They seem to consider the establishment and support of schools, the convincing others of the superiority of European knowledge, and the communication of that knowledge to them as their pleasure as well as their duty. It is a matter of course with them. Their letters are full of it. They have evidently fixed their pride, not in keeping their knowledge to themselves, but in converting others to it. It is true that most of the school instruction now given by them is in the English language, because that language affords at present the only effectual means of giving a good education, and because there is a great demand for well educated young men. It is difficult to get qualified native teachers to go to places even in the neighbourhood of Calcutta for less than one hundred rupees a month. English must become a much more common acquirement than it is at present, before much attention will be paid to the vernacular languages. So long as the demand for good English scholars is so much out of proportion to the supply, the rising generation will continue to devote their principal attention to English; but bye-and-bye there will be less to be got by English; the demand for books in the vernacular languages will be greater, owing to the more general diffusion of intelligence and curiosity, and then it will be worth the while of the educated youth to become authors of books in the vernacular languages, and teachers of

schools in those languages. Even now, they never show any aversion to communicate knowledge through a vernacular medium, when that happens to be the most suitable for their object. They, of course, answer the enquiries of their countrymen and converse with them on the subject of their studies, which they are always sufficiently ready to do, in the vernacular language.

The other assertion, that the small degree of attention which is at present paid to the vernacular languages, is owing to the superior degree of attention which is paid to English, is equally unfounded. Were the vernacular languages cultivated more than they are at present before English came into fashion? We think not. They were not cultivated at all till lately, and although English makes much more rapid strides at present, yet there is every sign of the vernacular languages also making steady progress. The sales of books in the vernacular languages effected by the School Book Society, which is the best index to which we could have recourse, have considerably increased during the two last years, although English instruction has been carried on during the same period to a greater height than it ever was before. The following contrasted statement is taken from the two last biennial reports of the School Book Society:—

	1832 and 1833.	1834 and 1835.
Bengalee, .....	4,896	5,754
Hindustanee, .....	1,077	3,384
Hinduce, .....	1,514	4,171
Uriya, .....	815	834

There is a great demand at present for English, but it does not follow that if this did not exist, there would be an equal or nearly equal demand for Bengalee. The cause of the demand for English does not apply to Bengalee. English possesses a noble literature, a most effectual instrument for bestowing the best education which is to be had in the world. Bengalee has no literature worth speaking of, and it can at present be made the medium of imparting only the meanest education.

The demand for English will, however, in the course of a few years assuredly produce a far more extensive demand for the vernacular languages. A general craving for education will be excited among classes who cannot afford an English education. A demand for books in the vernacular languages will consequently arise, and when this once takes place, there will be no want of authors in those languages. English literature took its great start, in the reign of Queen Elizabeth, at a period when the learned languages were cultivated to a greater extent than they had ever been before. The truth is that they had been cultivated so effectually, that intelligence had become very generally diffused, and a class of people had arisen who, without knowing Latin, wanted some mental aliment, and hence arose a demand for a vernacular literature.

Last of all, the *Friend of India* utters a lament over the fact, that while the School

Book Society sold during the last two years 31,649 English, they only disposed of 5,754 Bengalee books, the blame of which he imputes entirely to us Europeans, and calls for the adoption of immediate steps to remove the opprobrium. We ourselves entertain no such concern. We have already shown that this excess of demand for foreign, over native literature, is merely an indication of a nation in the first stage of improvement from without. English is at present the most direct and effectual means of acquiring European knowledge. It is therefore in great demand among those classes who can afford to study it. The desire for education will descend lower and lower. At last it will reach those classes who cannot afford to study English, and then a demand for books in the vernacular language will spring up. We have nothing to blame ourselves for. This is precisely the process by which we have ourselves arrived at our present high state of civilization, and if we let it go on, it will inevitably produce the same result in this country.

The *Friend of India* calls for the application of an instant remedy for the evil which he has conjured up. What would he have? Would he have more books printed in the vernacular languages? There are as many now as there is any effectual demand for. Only 5,754 were sold during the last two years by the School Book Society. Would he, therefore, have them print 50,000 more, in addition to their existing stock, for the next two years? Would he wish more books to be printed in the vernacular languages in proportion as they are not wanted?!! Any attempt to anticipate the demand for books in those languages would be a job from the very first; just as much so as the gold-mohur-a-page Arabic Translations. There would be this difference between the two plans, that while one was obviously intended only for the learned, the other would have an appearance of being popular, but there would be no more real demand for the one than for the other. After the books were translated and printed, they would lie rotting on the shelves, and the paid translator (for he must be paid according to this system of anticipating the real demand) would be the only person who would profit by the transaction. Besides, we contend that it is neither by bare translations, nor by European authors, that India will be enlightened. The part we have to perform at present, is to saturate the country with European knowledge through the direct English medium, and in due time the native literature, out of their fulness, will produce original works suited to the taste of their countrymen. What would have been thought of a scheme for enlightening England in the time of Henry VIII, by unidiomatical translations of French and Italian books made, not by Englishmen, but by French and Italians?

We are satisfied that nothing but evil would result from the Government interfering to anticipate the period when a demand for books in the vernacular languages will take

place in the natural course of things. It would put the whole process of national improvement out of joint. English is at present the most advantageous thing which those classes which possess literary leisure can study, and whatever discourages them from studying it, and prematurely induces them to turn their principal attention to the vernacular languages, must do harm. It would be exactly analogous to the folly of which the United States of America have been guilty, who, impatient to have manufactures before they came in the natural course of events, have turned a portion of their capital from the more profitable employment of agriculture to the less profitable one of manufactures. There is, however, one way in which the Government may with the greatest possible advantage to the country, not create an artificial demand for the vernacular languages, but remove artificial obstacles which prevent the natural demand from having free scope. We refer to the exclusion of Persian from the Courts and the adoption of the vernacular languages in them. This change, which is urgently required on judicial grounds, would also be of infinite benefit to the literature of the country. It would do more towards the creation of a vernacular literature than if Government were to spend a crore of rupees in the translating and printing of books. This would be going to the root of the matter. It would give scope to the natural demand, and a supply would soon follow. We consider this to be the point upon which the intellectual and moral improvement of the country now mainly depends. The educated classes are at present bound down to the study of a literature as barren and unimproving as it is possible to conceive any of equal extent to be. By the disuse of Persian in the Courts, the mind of the country will be disenthralled. Those who have leisure, will learn English, and those who have not, will cultivate the vernacular language; while not the least advantageous result will be, that the English rulers will always be obliged to make themselves acquainted with the vernacular language, which we fear is not at present the case in Bengal.

We apologise to our readers for the length of this article, but when our brother Editors write essays in the shape of leading articles, we must write essays in reply. Having now fully stated our sentiments on the subject, we shall not willingly recur to it.

#### ON THE MEANS OF EDUCATING THE PEOPLE OF INDIA.

(From the Reformer.)

The end and object of education is to impart knowledge. But knowledge from the very commencement of the world, with but occasional interruptions, has been progressing to that state in which we now find it among the enlightened portion of mankind; it is still in a progressive state, and will continue so to the end of time. The duty of those who are engaged in the great work of education is to impart to the people knowledge in the

most perfect form available. It is therefore evident that in selecting means for the attainment of this object, the chief point for consideration is the adoption of that language which may furnish the most convenient vehicle for the conveyance of knowledge. But then the circumstances of the learner with reference to that language is also a point of serious consideration, and one which may often render the choice of the language best suited to the purpose altogether nugatory.

The two languages which present themselves as eligible vehicles for the communication of knowledge to the Natives of India are the English and the vernacular. The former, because it is highly refined and contains in it one of the most perfect treasures of knowledge which the present time can afford; and the latter, because it is the language of the people, it is the language in which every man among the natives of India can be addressed without any previous training in regard to them it is therefore the readiest for the communication of knowledge. Much can be said in favor of the adoption of either of these languages to the purposes of our national education; many men of great information, talent, and judgement have therefore advocated either the one or the other side of the question; a circumstance which is much to be deplored, for it tends to create a division among the friends and supporters of the cause, by leading their energies, in different, and often, contrary directions. We therefore think it highly necessary for the well being and advancement of this nation that a mutual understanding take place between the advocates of these two systems of native education. Circumstances have lately occurred which afford us sanguine hope, that this desideratum will soon be supplied, that the advocates of the English and the vernacular languages will unite their energies in the common cause, and by that union give an impetus to the work of the enlightenment of the people of this country, which it has not hitherto received. Some of the advocates of the English language, considering the question with reference to the means at present available for the translation of the stock of knowledge contained in that language to the vernacular language of the country, have hastily come to the conclusion, that there is no other way of imparting a full measure of knowledge to the people of India, but teaching them the English language, and thus at once placing the whole treasure of knowledge contained in that language within their reach. On the other hand, some of the advocates of the vernacular language maintaining, and not without reason, that it will not be possible to teach English to the mass of the people, have come to the conclusion, that English ought not to be taught, and that translation of the most useful English works should be made for the communication of knowledge to the natives in their vernacular language. This is precisely the state of the question between the two parties, who are both equally desirous of educating the people of India, and promoting their enlightenment.

Among other signs which lead us to expect that a reconciliation of the difference on this subject will soon take place between the contending parties, is the letter of C. E. T. in the *Hurkaru* of the 6th instant. We regret it is not in our power to reprint this article, for it contains many valuable observations on the subject of Native education, and coming as it does vouched by initials of no insignificant authority, it affords us sincere gratification. C. E. T. has been one of the chief advocates of English education. His views, however, as developed in the paper before us, do not on this point differ from ours, who have generally advocated education in the vernacular language. The following extract from his letter, furnishes the outlines of his view in regard to the use of the English and the vernacular as applicable to the people of India.

"A vernacular literature can be created only by slow degrees, but a nation may immediately avail itself of the existing

Literature of other countries which are in a more advanced state of improvement; and in this way their knowledge is increased, their taste improved, and the materials are collected for the formation of a national literature. This is the process which has been gone through in every instance in which any very decided change for the better has taken place from without. The Romans read the Grecian letters, and adopted Grecian models of state. The Roman provincials cultivated the Roman literature, and became equal to their masters. The modern nations of Europe did the same, until they had raised on this foundation a literature for themselves. Two hundred years ago even ladies studied Latin, because they had then no books worth reading in their own languages; but in the present advanced state of our literature, the study of the dead languages is confined to those who have leisure and inclination to add a knowledge of them to their other acquirements. The Russian empire is at the present day a striking example of the process of national regeneration of which I am speaking. French, English and German are extensively taught there and the educated communicate to their own countrymen, in their own language, the superior knowledge which they themselves acquire through these foreign media. What the Russians are doing in the north, we are doing in the south of Asia. India is gradually becoming leavened by the introduction of European knowledge, and the lower classes are taught in their own what the higher have learned in the English. The English and the vernacular literature are connected together as a river is with its fountain as a tree is with its fruit. The one will be the result of the other. Those who discount the study of English in order to encourage the vernacular literature, are manifestly labouring to defeat their own object."

This is precisely our opinion. We do not advocate the exclusive use of the vernacular; and the study of the English we have always maintained to be necessary for a portion of our countrymen; particularly at the present moment; for as C. E. T. very justly observes, "the vernacular language may become sufficient for the purposes of liberal education a century hence; but it certainly is not so now." The following extract will more fully develop our view of the question.

"At least the two next generations of the upper and middle classes must be educated by means of foreign languages, and it is to be hoped that from among them numerous authors will arise, to enrich their national language with works in every department of literature and science. My desire is, that they should not only study to the full our medicine, our mathematics and our natural philosophy, but that they should also imbibe the spirit of our works of taste, imagination, history and morals, until they have a Shakspeare, a Hume, a Milton of their own."

Our desire is the same: we wish our youth to learn English that they may become thoroughly acquainted with the arts and sciences, and having possessed themselves of the treasure of knowledge found in that language, impart it in their own vernacular to the mass of their countrymen, who cannot for obvious reasons be made to learn a foreign language so differently from their own, as the English is. This then is the only way of reconciling the difference of opinion which has hitherto divided the efforts of the friends of native education. Some uniform plan, based on the lucid and judicious principles laid down by C. E. T., and concurred in by us, should be adopted for the guidance of all those who come to labor in this vineyard. It is then that we will see the full display of the talents and energies of the rising generation, and have some sure hope of ultimate success. It is an admitted fact that at the present day the whole treasure of modern arts and sciences is to be found in the English language. In it, therefore, the Natives of India have the readiest means for the improvement of the mind: they have not to make discoveries, but to receive the discoveries already made by the collective exertions of the civilized world for ages past. Another equally admitted fact is, that the mass of the people of India cannot be efficiently instructed in any other but their vernacular language the colloquial idiom of which no European can acquire in perfection. It is therefore indisputable, that a portion of the natives must first acquire a knowledge of the English language. This measure is in fact a necessary preparatory step towards the establishment of a system of permanent national education in the vernacular language.

C. E. T. expects, that "numerous authors will rise among us to enrich our national language with works in every department of literature and science." This

consummation is devoutly to be wished for, and may easily be hastened by every means in our power. Those who have the practical working of education under their controul, should therefore attend to this point and make the encouragement of vernacular literature the chief object of attention. They should consider it the ultimate means of diffusing among the nation at large the knowledge which a small portion of the higher and middling classes are deriving through the channel of the English language. Would it not be a good expedient to fix premiums on the successful production of certain elementary works in the vernacular language? We would then begin to have among us those authors—those Humes, Miltons, and Shakespeares whom C. E. T. sees in the dubious mirror of futurity.

The following observations of C. E. T. on unity of purpose among the friends of native education cannot fail to be highly satisfactory.

"I entirely agree with the *Friend of India* and the *Reformer*. They both advocate the teaching of English conjointly with the vernacular language;—the English to those who have leisure to cultivate it to good purpose, and the vernacular languages to all, high and low, and rich and poor: and so do I. They also advocate the encouragement of every well directed effort towards the construction of a vernacular literature; and so do I. It appears to me that those who receive a liberal education through the medium of English, should also be taught to compose with ease and correctness in their own language, while every possible exertion should be made to prepare good books in the vernacular languages for the use of the body of the people to whom, of course, English is not accessible."

Those who have read our strictures on this subject in the foregoing numbers of the *Reformer*, cannot for a moment doubt that our view and those of C. E. T. are in this regard the same.

But whatever may be our view of the question, whatever may be the wish of those who are engaged in the work of native education, the taste of those who are to learn—their internal propensity to a certain course of study must, in a great measure, direct the operations of the teacher. The teacher is bound to consult the disposition of his pupil, and in cultivating his intellect he is not to set himself at war against the feelings of his pupil; but entering into it, to give it a proper direction, and gently to lead the tender mind to the fountain of knowledge and the practice of virtue. When thus led on the pupil drinks of the regenerating waters there presented to him with delight, and grows in vigour to the full extent of all the expectations which could have been entertained concerning his future progress in knowledge. But should a contrary course be adopted, should the instructor instead of consulting the taste of his pupil attempt to lead him through paths which he cannot pursue but with disgust, little hope of success can indeed be held out for exertions of this description. Disappointment must be the necessary consequence of such coercive and injudicious efforts. The following paragraph from the letter of C. E. T. brings to notice a great number of stubborn facts in regard to the prevailing taste of the natives on the question we have been considering.

"The School Book Society's operations furnish perhaps the best existing test of the real state of public feeling, in regard to the different systems of learning which are now simultaneously cultivated in India. Their books are sold to any body who chooses to purchase them and the proportions in which they are disposed of, show the relative demand which exists for the different kinds of learning. The statement of the sales which have been made during the last two years extracted from the Society's recently published report, is as follows:

English.....	31,619	books.
Anglo Asiatic.....	4,525	"
Bengali.....	5,793	"
Hindui.....	4,171	"
Hindustani.....	3,384	"
Urdu.....	834	"
Persian.....	1,454	"
Arabic.....	36	"
Sanskrit.....	16	"

This statement speaks for itself, and when we add to the above the numerous English books said by the Editors of the *Friend of India* to be sold by their establishment and others, and contrast

with this the very limited demand of which they complain for works in the Native languages, we see distinctly the direction of native feeling as it regards the purchase of books. To this we may add, that for some time past upwards of 3,000 youths have been receiving an English education in Calcutta alone, and that the taste for learning English there is daily on the increase. L. W. will probably reply, that Calcutta is not India, and that although one city may have become denationalized, the rest of India retains its primitive character. But Calcutta is the capital, and the capital must sooner or later make its influence felt through the whole country. One set after another of well educated youths, turned out from the Calcutta schools, must gradually leaven the adjoining provinces; to say nothing of the effect which must be produced upon casual visitors and even upon those who only hear of it from report, by the example of what is going on. What has lately taken place at Hooghly is an instance in point. On the College there the English students flocked to it in such numbers as to render the organization of them into classes a matter of difficulty. There are now about 1,400 boys learning English only, about 200 learning Arabic and Persian only, and upwards of a hundred who are learning both English and Arabic or Persian. Notwithstanding this unprecedented concourse, the applications for English instruction are still extremely numerous; and there seems to be no limit to the number of scholars, except the number of masters whom the Education Committee is able to provide. In the same way, at Dacca there are 150 students, and it is stated that this number would be doubled if there were masters enough; and lately at Agra, when additional means of English instruction were provided, the numbers rose immediately to upwards of 200. These are mentioned merely as instances. In the numerous seminaries under the Education Committee, there is no want of scholars. The difficulty is to provide masters enough to teach the numbers who are anxious to receive instruction. If this is not sufficient proof that the popular taste is favorable to English studies, I do not know what can be considered as such."

These facts speak volumes in favor of English education: but in considering them we should not lose sight of certain concomitant circumstances. The high reputation which English at present enjoys among those who are totally ignorant of it, arises not so much from its intrinsic superiority over any language that is used in India, as from its being the language of our rulers and of the commercial class of the metropolis. These circumstances are sufficient to account for the desire which the inhabitants of Calcutta and its neighbourhood display to acquire a proficiency in it. The taste therefore which the facts noted in the above extract prove as existing among the natives, is more local than one is apt to imagine at the first glance. They do not shew, that if knowledge could be brought to the doors of the people in the interior, and offered to them in the native garb they would not prefer it to the study of the English as a means of acquiring that knowledge. The acquisition of scientific and historical knowledge has a peculiar charm which the dry study of a language has not; and this charm is in none more potent than in those who are acquainted with no other language but their mother tongue. The natural curiosity which Providence has implanted in the bosom of the savage as well as the civilized man, finds a gratification in the contemplation of the wonders which history and the sciences open before him. As he advances in his studies, his labor is rewarded, and every remuneration adds a stimulus to further exertions. Thus he goes on from step to step, until, without being wearied, he arrives at the summit of the hill of knowledge. But not so the man who has imposed upon himself the task of learning a new language totally different from his mother tongue in idiom, in style, and in pronunciation. The acquirement of these present before him so dreary a desert that he dreads to venture upon it. Should he, however, urged on by some collateral impulse, advance a few steps, instead of gratification, further difficulties arise before him.

The increasing prospect fires our wandering eyes,  
Hills peep o'er hills, and Alps on Alps arise!

These reflections are not intended to invalidate the force of the testimony arrayed by C. E. T. but they prove, what he himself admits, that for the mass of the people, who are situated beyond those influences to which we attribute the taste for English study displayed by the natives of Calcutta and its neighbourhood,

vernacular language can alone form an efficient vehicle of knowledge.

## THE VERNACULAR LANGUAGES.

(From the Friend of India.)

We were unable last week to advert to more than one of the two subjects of discussion between L. W. and C. E. T. We now proceed to make a few remarks on the second, and by far the more important branch of the controversy; the mode in which knowledge is to be communicated to India. Apparently there is no difference of opinion between them on the subject. L. W. says, "I strongly advocate the study of English for all who have time, talent, and fortune really to acquire it, and to use it. But for the education of the body of the people, nothing—nothing but the vernaculars can ever be generally useful;" and C. E. T. observes, "I entirely agree with the *Friend of India* and the *Reformer*. They both advocate the teaching of English conjointly with the vernacular languages;—the English to those who have leisure to cultivate it to good purpose, and the vernacular languages to all, high and low, rich and poor." We assumed last week, that C. E. T. was willing to patronize the vernacular languages, with the understanding that they were to be written in the Roman character; we shall be most happy to find that the supposition was unfounded. If so, then JESUS, L. W., C. E. T., the *Reformer*, and this Journal, are agreed upon the great principle, that we are to have English for the units, the Native languages for the millions. The only difference is upon a question of time; and here the difference is great, and irreconcilable. C. E. T. says, that the vernacular languages may become sufficient for the purposes of a liberal education a century hence, but they certainly are not so now: thus postponing indefinitely the adoption of the vernacular languages in Native education. That the Native languages are susceptible of improvement we readily admit. But certainly languages which are already capable of communicating to the people the sublime truths of Christian doctrine, cannot be so very unfit to become even in their present state, the channel of a liberal education. They want, it is true, that pliancy which a little use will soon impart: they want also a larger vocabulary of scientific terms to adapt them to the present state of European knowledge. But why should a century be asked for these improvements? Our own tongue affords an instance of the rapidity with which new terms may be engrafted on a language, when the spirit of improvement is abroad. Of the terms belonging to the various branches of science which are now part and parcel of the English language, have not more than two-thirds been created in the last fifteen years? And why should the Native languages of this Presidency, which are naturally copious and elegant, and which comprise words borrowed from the Sanskrit, the Arabic, the Persian, the Portuguese, the Malay, and the English, be thought incapable of receiving such an accession of scientific terms, as to fit them within a very short period for every purpose of a liberal education. It may be said that these new terms will not be understood. Certainly not, till they are explained and demonstrated; nor will they be understood by the Native student of English, when he finds them in an English work, till they are thus explained to him. Indeed they originally required to be explained to students in England itself, as much as they will require it in the Indian forms into which they must be cast.

C. E. T. appears to have substituted the present for the future when he observes, "India is gradually becoming leavened through the introduction of European knowledge, and the lower classes are learning in their own, what the higher classes have learned in the English

language." If this were indeed the case, then all ground of controversy among the friends of native improvement would cease. But the fact is that they are not thus taught. C. E. T. has anticipated the state of India, on his own calculation, by a whole century. The complaint of those who advocate the vernacular cause is, that so little effort has been made, or is now intended, to impart European knowledge to the great body of the people through their own language, the only medium through which that knowledge can ever reach them. The Education Board has embraced in turn the patronage of Sungskrit, of Arabic, and now of English; but the vernacular languages have never received any attention, beyond a passing compliment to their paramount importance. The good wishes and even the promises of the Committee are not withheld from the languages of the people, but all their active efforts are directed to the dissemination of English. The ample funds at their disposal are absorbed in purchasing English books, and founding English schools. Some of their most influential members have publicly maintained the opinion, that European knowledge can be introduced into India through the medium of the English language alone: and though some of their colleagues may possibly dissent from this notion, still it is the ruling principle of action in the Committee; and a complete revolution of plan must be brought about, before the vernacular languages can receive from them that attention which is now bestowed on English.

C. E. T. states, that a century hence the languages of the country may be fitted to impart a liberal education. Are the great body of the people, the *tiers état* of India, then to be left during this long period to ignorance? To declare that the vernacular languages are not as yet fitted for the communication of ideas, and to make no effort for their improvement, what is it but to consign the people to the same endless, hopeless barbarism, to which they have been reduced by the predominant cultivation first of Sungskrit, and then of Persian? With the present sentiments of the majority of the Committee, when is this century of improvement which has been fixed for the languages of the country, to begin? And are we immortal, and our dominion, and consequent power to do good, eternal, that we are thus coolly to deal with centuries as if they were single years?

But it is said, Give the upper and middle classes for two generations, that is, during half a century, a liberal education in a foreign tongue, and they will raise the nation; they will produce authors to enrich the national languages with works in every department of science and literature. There was a time when England presented a striking analogy to the present condition of India; when all knowledge that was valuable, existed in the copious, polished, refined language of the Romans; when the Latin language was exclusively cultivated by all who aspired to distinction in Church and State, and when the English language was poor and simple. Was it then by the exclusive cultivation of Latin that the English language was improved and enriched? When the human mind in Europe began to awake from the lethargy of ages, were not the undue estimation of ancient, and the degradation of vernacular literature the great causes of prolonging the deplorable dormancy; which at length was effectually dissipated only when the ceremony of antiquity had been wholly burst asunder?

It is said moreover that the Native students of English will transfer the knowledge they have acquired into their own native language; and in length of time something of the kind can scarcely fail to be realized. We fear however that the monopoly of knowledge they will enjoy through the medium of a tongue unknown to the people, will produce for a long, long period the same haughty contempt of the vulgar, and of their

language which the same cause has produced in the instances of Sungskrit and Persian. An acquaintance with a foreign tongue, which confers wealth and distinction, is more likely to narrow the mind with selfishness, than to expand it with benevolence. It seldom fails to bring in its train the arrogance and inaccessibility of aristocratic feelings. It will, we fear, in the present case raise the English scholars above the common people, and inspire them with any thing but a desire to diminish their own importance by the elevation of the class below them. Indeed so completely has the Anglomania, like other follies, descended from the higher to the inferior ranks, that there is scarcely a good English scholar among the natives who can write his native tongue with tolerable accuracy. The great majority of the students of English, have even a greater contempt for the vernacular language than the Hindoo priest; and this feeling is too likely to increase with the increase of the cause; the wide disproportion of attainments between those who have learned English, and those who are acquainted only with Bengalee. The vernacular languages are not likely, we fear, to be enriched by the learned simply from motives of patriotism and benevolence. It is the gradual elevation of the people through the medium of their own tongue which can alone effectually constrain those who are so greatly raised above them by their familiarity with English literature, to come down to their level, and impart to them of their stores. Such, at least, is our humble opinion; and it appears to receive confirmation from the fact, that it was not till late years, when a spirit of enquiry had been diffused among the common people, through the increased use of the vernacular medium, that the Hindoo priesthood ever condescended to write in their own tongue.

C. E. T. gives us a test of the public feeling among the Natives regarding the cultivation of English, by citing the sale of the School Book Society's publications. While 31,649 works in English were sold in two years, only 5751 Bengalee works found purchasers among them. It is certainly not to the credit of the British name, that eighty years after we have obtained the complete command of Bengal, the demand for books in the popular language, among thirty millions of people should fall short of six thousand in two years. There must have been some strange and inexcusable neglect in some quarter, to have led to a result, which might make it almost a matter of doubt whether the country had really been administered by the most civilized people on earth, for so long a period. The fact is one which we ought rather to conceal than to proclaim. Supposing this to be the true index of the public feeling among the Natives, where does the blame rest, but at our doors, who having invaluable knowledge in our possession, have so signally failed to diffuse it through the country, that only one book has been sold in a twelvemonth in the language of the people, among an average population of twelve thousand? What is the use we are to make of this fact? Does it not appear to furnish the strongest possible argument for taking immediate steps to remove the opprobrium; for to us, and to us alone, does the shame of this neglect belong. With the light of experience shining upon us; with the fact, demonstrated by the history of three centuries, that the elevation of Europe has been owing to the elevation of the people, and not of a privileged class,—to the cultivation of the vernacular, and not of foreign languages, we have in India pursued the same course, by which the Bramhins and the Moosulmans had contrived to leave the great body of the people in the grossest ignorance. We have governed India on Oriental, and not on European principles. We have neglected and discouraged the language of the people, and now we perceive that the people themselves neglect and despise it. We have acted on the principle that all knowledge was to come into India, as in the days of priestcraft and

kingcraft, by a foreign medium. We are telling the people from the seat of influence, that their languages require a hundred years of polish, before they can be fit for use. Even now when the British Government has at length determined that India shall participate in the great movement, which during the last fifty years has been impelling forward the family of man, this great boon of knowledge is still to be confined to the few who can master a foreign language; it is still to be the patrimony of a limited and exclusive caste, and the great bulk of the people are to be left in the gloom of ignorance for another century,—that is, as far as we are concerned, for ever.

#### MINUTE OF MR. H. T. PRINSEP.

The draft of report has come to me again in circulation with the notes of the different members of the committee, and the alterations made to meet their suggestions by the original preparer of it. Many of the passages I remarked upon when the draft first came round have been much qualified by these alterations, but still I am unable conscientiously to sign it. My reasons I shall state as briefly as possible in order that they may go up to Government along with the Report, to be there dealt as Government shall direct.

In the first place the Report is not an honest report. It does not deal fairly with what has been done before when it makes allusion to the past or refers to institutions flourishing through previous good management; neither does it fairly represent what has been done by the committee in the year the proceedings of which it professes to review; nor does it correctly state the principles the committee has acted upon when it purports to explain them, while certain results and circumstances are coloured and exaggerated far beyond the legitimate bounds of case making representation.

These are grave charges to bring against an official document, and I would not have hazarded them if I did not think I could substantiate the whole to the satisfaction, I hope, even of some of my associates in the committee; though judging from the laudatory strain in which most of them have spoken of the draft, I cannot hope to shake their determination to adopt it.

First. I have said the draft does not deal fairly with the past when it makes allusion to it.

An instance of this occurs in the very first paragraph. It states the year 1835, now reported upon, to be an epoch in the history of the committee, because in the early part of it a well defined principle of action was for the first time prescribed to us (alluding to the Government orders of the 7th March, 1835), which principle, it is stated, the committee have by their arrangements nearly brought into complete operation. Now, although a new principle was undoubtedly prescribed by the Government orders of March 1835, viz., that of devoting exclusively to the teaching of English all the funds appropriated by Government to education purposes, it is clearly a misrepresentation of the past to say that the encouragement of education in whatsoever language and by whatsoever means instruction might be conveyed, and the leading of this instruction to the improvement of existing knowledge by engraving on it the science and literature of Europe, was not equally a well defined principle of action. How indeed can the principle of action laid down in the Government orders of March be called a well-defined one? It is quite true that in the words the order is precise. It directs all funds to be employed in English education alone, and after prescribing the mode in which funds are to be withdrawn from oriental instruction repeats again, that the funds which these reforms will leave at the disposal of the committee be henceforth employed in imparting to the native population a knowledge

of English literature and science through the medium of the English language. The committee is then directed to submit a plan for the accomplishment of this purpose. If the Report, in referring with laudatory comment to the orders of the 7th March, had intended to hold out this simple principle of teaching only English as 'the well defined principle' the committee was acting upon, I should have admitted that it was well characterized by the words, however I might reprobate the policy. But the report does not mean to refer to the exclusive teaching of English, but includes the teaching of all the vernacular languages of India; nay further, the creation of a vernacular literature, which association of purposes in the well-defined principle of the Government resolution is justified by the following argument. It is admitted to be true that the words of the Government order are precise as words can be in directing all funds to be employed in English alone. But the committee were agreed that the vernacular languages ought to be taught, and only differed as to the learning and learned languages of India; the Government precise order in favor of English must, therefore, it is maintained, be understood as including the fifty vernacular languages of India, in the words 'English alone' and only excluding the two or three learned ones. I am by no means sorry that the members of the committee have found a creeping hole through which to bring in these fifty languages thus by the head and shoulders, for it is so much gained or rather saved for the literature of the country, but how a principle that requires to be reconciled with existing orders by such a construction directly in their teeth can be called a well defined one, I leave the eulogists of the draft as it stands to explain. The committee were as unanimous in favor of scholarships as they were in favor of encouraging the study of the vernaculars, but the Government had no regard for the opinion of the committee when it issued the all destroying edict of the 7th March, and the author of that order had no more idea of saving the vernaculars than of including Chinese. His principle was that English alone is worth learning, and English alone should be taught; and the words of the Government order are precise in prescribing such to be the rule. I rejoice to see that this well defined principle is given up as absurd and impracticable in its application to the state of things in India; but I never can admit that, construed even in full strictness the rule was a bit better defined than the principle before acted upon of encouraging and assisting every kind of education by which the native population of India might seek to acquire knowledge and improve themselves.

I do not mean, however, to cavil at words. The great unfairness in respect to the past which pervades the whole draft of Report lies in the want of reference to the labours of our predecessors and the absence of all acknowledgement that any part of our success is due to them. One would suppose from the tenor of the draft that the youths of the Hindoo College had made the progress witnessed in elocution, had acquired the taste for English literature, and had been induced to learn surveying and mensuration, &c. through the committee's application of the new principles of the order of 7th March to that institution; whereas all these evidences of success, if such they be, are due to the exertions of those who have gone before us, and are the remains of the system of their introduction, putting quite into the shade any results that can be cited of the well-defined principle of March 1835. Rome, however, was not built in a day; and I am not so unreasonable as to expect that the system of March should in one year produce very perceptible results: all I ask is, that the new should be separated from the old, and credit be allowed to the latter for what is due to it, instead of the results being so represented as if all that is deserving of praise and matter of just pride were the result of the new principles introduced.

Second. The draft does not fairly represent what has been done in the year of which it professes to report the proceedings. Of this there are many instances.



In the seventh\* paragraph, twenty-seven institutions are named as if all were in full activity and all governed by local committees and busied in the instruction of native youth, according to the new principle. On referring, however, to the abstract appended to the draft, it will be seen, that no less than six of these were resolved upon, after the close of the year under report, and still exist only in that resolution, there being yet no masters, no scholars, and no local committee formed at several of the stations named. But the strongest misrepresentations occur in that part of the draft of report which professes to state the principles that have been acted upon. It is stated in para—'when a new school is established, we generally send to the spot a head master on a salary of 200 or 250 per mensem, and a second master on a salary of from 60 to 100.' Now, from this it would be supposed, that there was a scale fixed for these appointments, and the establishments had been regulated upon principle. I have endeavoured in every instance to advocate the necessity and expediency of this, but the idea of regulating our establishment upon principle has been repudiated by the majority of the committee as inpolitic and impracticable. In every instance that I have seen, the nomination to the head mastership of a new school has been matter of bargain with an individual without reference to any other principle than that of satisfying him personally so as to induce him to accept the situation. It may have been necessary, perhaps may have been the best method of effecting the object, but let not the committee claim of Government the merit of regulating the master's salaries upon principle, when the possibility of acting upon such principle has been distinctly denied, and the intention disclaimed. The draft proceeds, 'after a school at any principal station has been established for a sufficient time it becomes our object to engraft a college upon it, by appointing a Principal and Professors, and by building houses for them. I deny that this has been or ever can be the principle on which the committee act in the appropriation of the funds placed at its disposal by Government. Every one of the colleges that have been established have owed their origin to separate funds arising from subscriptions, as the Hindoo College, or endowments as the Delhi Institution and the proposed new college at Hooghly, or from specific appropriations by Government to particular purposes, as in the case of the Madressa, the Sanserit colleges at Calcutta and Benares, and the college about to be established at Agra. The committee had the idea of proposing to Government the establishment of a college at Allahabad, because it had become the head-quarters of the Government of the fourth presidency. This intention will probably not now be carried into execution, and if it be, it will absorb all the funds remaining at our disposal, and there will be no means, as every one in the committee well knows, from which to provide the charges of a single other college, the average expence of which is at least 1,500 or 2,000 rupees a month. How then it can be stated to be an object of general policy with the committee to convert long established schools into colleges with Principals and Professors, is to me, I confess, an enigma. In a preceding paragraph too, another principle is laid down, which I cannot allow to pass without observation; and that is, that it is an object with the committee to widen the foundations of the system by establishing elementary schools in every village for teaching the vernacular languages, and colleges in every circle of zillahs forming a commissionership. Since the draft first came in circulation, this passage has been qualified by the introduction of the words, 'it would be our aim, did the funds at our command admit of it.' Now, not to mention that such an appropriation of funds would be quite inconsistent with the orders of March 1835, which prescribe that all at

disposal shall be employed in teaching 'English alone,' the avowal of such a principle as an aim of the committee, betrays utter ignorance of all the previous discussions which have been held upon this very question of village schools, and of the grounds upon which it was formally decided that the education funds would be more than wasted if any part of them were appropriated to the support of village schools. The simple fact that there are more villages under the presidency than we have rupees annually at disposal, is of itself an unanswerable argument against attempting anything in aid of village education, and I must be allowed to express my wonder that this should now be referred to as an aim of the committee.

It is further stated that the first lectureship which we always wish to see established is one, 'on English composition and literature.' It so happens that we have established a professorship of the Belles Lettres at the Hindoo College, but except in this instance I know not where this principle has been applied. Of course, after learning to read and write, the boys next attempt essays or themes, but to say that any where in India beyond the walls of the Hindoo College there is a class of Native youths capable of appreciating English literature, or of scanning a line of Pope or Milton, is pure mystification. We teach the boys to read and write, and if we do that, we do a great deal. After five years of study the first class boys of the Delhi and Benares Colleges are still in their reading only, and the prize boys have only got as far as simple equations in Algebra. To say that we give to these 'a general acquaintance with the extent and nature of the existing English literature' is surely misleading government and the public.

The same paragraph reports that the committee have entered into contract to take half the impression of a book of selections from English works, compiled by Captain Richardson. I have no doubt that this work well merits the patronage of the committee, but I notice the circumstance as a deviation from the principle of the order of March, which prescribed that no part of the funds appropriated to education should be spent on printing.

It is true the order was confined in words to printing oriental works, because such were the works then printed; but the principle went against having a depot of waste volumes: and there is the same objection on the score of expense whether the books purchased and kept for distribution be in the native or roman character.

As for what is said about professorships of Mathematics, Natural Philosophy, and Law, and about Surveying, I do not think the draft represents accurately the sentiments of the committee, more especially in the observations implying that the necessity of studying all past and present law was about to be superseded by the new code. I do not, however, wish to be understood as seeking to find fault, or as objecting to the draft, merely on the ground of a diversity of sentiment on isolated points. If my objections had been confined to such grounds, I should not have desired to record a separate minute. The same holds in respect to what is stated regarding system of Elementary Instruction and Prizes.

I come now to the proposition that 'the formation of a native literature is in fact the ultimate object to which all our efforts must be directed.' How this is to be reconciled to the well-defined principle of the Government orders of March 1835, is a point I have before noticed. The idea that our committee was constituted and vested with the disposal of the funds assigned to education, in order that it might create a vernacular literature distinct from the native literature in existence, is, I confess, quite new to me, and I do not imagine that there are many members of the committee, who consider this to be their ultimate or primary object. The idea now broached is that we are to teach English and encourage the study of English literature, in order that a class of translators may be created, and so through them the

\* This paragraph of the report has been considerably altered since these remarks were written.



natives may be introduced to the science of Europe. Is the committee in sober seriousness prepared to state to Government that this is and has been its aim? Will there be found one man in or out of our committee, who is at all acquainted with the vernacular languages of India, and will say that any one of them can be or has ever been written with elegance and fluency without a knowledge of the *native learned language*, which is the basis of the vernacular? Can any Moonshee, for instance write Oordoo with elegance, without knowing Persian *well*? Can any pundit write readable Hindoe or Bengalee without being well acquainted with Sanscrit, which is the source to be drawn upon for the means of expressing any complex idea? Recollect, the notion here referred to is, that the vernacular works will be in a style *captivating to the reading classes* of the population unacquainted with English, so as to introduce to them the treasures of European science. The '*Ouskee pinion pur chulle*' kind of half Hindoe and half English style of vernacular that sarkar's talk is not, I presume, to be that of the intended translations, or they will have very little influence indeed in placing the 'well-educated in possession of our learning,' and will only make it a laughing stock as certain recent translations put forth with the best intentions have already much contributed to do. I am as strong an advocate as any body in India can be for introducing the natives to the knowledge of European science through their own languages. I have always maintained this to be the only method which holds out the least hope of a general advancement of the population in science or morals. Glad, indeed, am I to see the committee coming round *unanimously* to the same opinion, but if ever there was an argument furnished for not neglecting that polite literature and learning of the country—the study of Persian and Sanscrit, it is this very necessity of introducing the population to the science of Europe, through the medium of their own language. A translator must be *master* of the language before he can make his translation even readable. Without the slightest fear of contradiction, I declare he cannot be master of any vernacular language of India, solely through it and English. He must also know the learned language on which it is based, or his learning is naught. I cannot speak too strongly on this point, and I appeal with confidence to the native members of our Committee, and especially to Radha Kaut Deb, than whom no one knows better what is necessary to make a good translator into any native language, fully to hear me out in the assertion, that for the purpose declared by the committee to be their 'ultimate aim,' viz., the providing of books in the vernacular dialects that shall convey to the native population instruction in the science, and an acquaintance with the general literature of Europe, the cultivation of the study of Persian and of Sanscrit for the purpose of providing fit translators is a *sine qua non*.

I shall never cease to declare and maintain this whenever the opportunity offers, and I am not sorry that the call upon me for this minute has given me the occasion.

I have one other point to elaborate, and that is, the accusation I have laid against the draft of dealing in exaggeration and colouring beyond all legitimate bounds. In proof of this I need only refer to the manner in which the support actually given to the study of the vernacular dialects is referred to, and dwelt upon as a primary aim of the committee. I have watched pretty carefully the proceedings of the committee, but until I saw this draft of report, was totally unaware of the importance attached to encouraging the study of the vernaculars. In all the pages of all the books that have come round, there will only be found the slightest incidental mention of this branch of study, and instead of being an aim or object pursued *pari passu* with the study of English prescribed by the Government orders of March, one must look as for a needle in a bottle of hay, for proofs of the attention given by the Committee to this important

subject. But what is the fact. I will take it from Mr. Trevelyan's own statement.

At the Hindoo College, which educates 400 youths of Calcutta (at a monthly expense of thousands for teaching English) 75 rupees per month is allowed for three teachers of Bengalee, we have no report of the progress made, and the committee has never thought of asking the results of the examination of these vernacular classes. At Bhaugulpore the language of which is a kind of *ornithorynchees'* bird, beast and fish vernacular, part Hindoe, part Bengalee, and a third part mountain dialect, we provide masters for Hindoe only. At Patna we give fifty rupees a month for teaching Hindoe to a population of 100,000. At Benares we give nothing whatsoever for teaching the vernacular dialect, though there are 200,000 inhabitants, nor at Dacca, nor at Ghazee-pore, nor at Delhi, nor at Meerut, but at Saugor Kishen Rao provides three teachers of the *Devanagaree*; at Agra there are 113 boys learning Hindoe, and at Allahabad 34. This is actually all. But it is stated to be the *intention* to cultivate the study of the vernacular dialects more extensively in the institutions about to be established. I am glad of it, and all measures directed to this end will have my support. I shall be rejoiced hereafter to be able to report that we have made this our aim and have achieved considerable success in it, but if we tell the truth we must say that we have yet done nothing towards it, and have not, as is pretended, 'been deeply sensible of the importance of encouraging the cultivation of the vernacular languages,' and have not attached teachers of the vernacular language of the province to most of our institutions; for in fact there are very few that have any teachers of the vernacular at all, and none that are at all adequately supplied with them, if it is to be our aim to promote the study of the formation of this literature, *pari passu* with the teaching of English.

(Signed) H. T. PRINSEP.

July 6, 1836.

P. S.—Since the report came round to me for signature, when I wrote this minute, there have been some further modifications and additions introduced to meet several of the objections made by me. I wish they had removed the whole of them so as to have enabled me to withdraw the minute altogether. But as there are still several points of radical disagreement between my opinions and those embodied in the report, I must request the minute to be forwarded, but cannot consent to write it over again so as to suit it to the turn that has now been given to the sentences.

(Signed) H. T. PRINSEP.

July 23, 1836.

The publication of Mr. H. T. Prinsep's minute, renders it necessary that we should recur again, and we fear at some length, to the subject of Public Education in India. It seems that there have been differences of opinion among the members of the Committee of Public Instruction, and that the report lately published, has to a certain extent, been modified with the view of reconciling those differences, but that this modification has not at all events had the effect of producing unanimity; as far as appears, however, the openly dissentient minority is resolved into a minority of one.

We cannot but own it as our opinion, that the minute of Mr. H. T. Prinsep had better have been published along with the report. We do not presume, (having pronounced a very decided opinion in favour of devoting to English Education alone the whole of the state

*fund* at present applicable to the purposes of public education in India,) that we shall be accepted as *moderators* in this dispute, but still we are not at all disposed to resign our privilege of speaking as an impartial third party, in behalf of the public, that which we think the interest of the public requires to be freely spoken.

Mr. H. T. Prinsep's minute is apart from personal allusions (much better spared) to former public men, and those allusions, which concern the motives of the members of the Committee who have published the report in its present form, without his minute subjoined, is, in the first point of view, what we cannot but take leave to consider as a pure verbal criticism; and triumphs on a point not worth dwelling upon in treating a question like this where one man, strongly opposing many others, whose motives are equally beyond any imputation, and whose knowledge is at least equal, chooses gravely and deliberately to place his opinions on record. The substance of Mr. H. T. Prinsep's minute on that part of the subject imports this and only this; namely, that the Government order of March 1835, and the original draft report were in conformity; further that in fact, both enjoined, or recommended, more or less, the employment of the state funds, at the disposal of the committee, for the purpose of furthering education in European literature and science, by means of the English language *alone*, and that the committee have altered it so as to indicate a wish to encourage primary education in the *vernacular* tongues inconsistently with the tenor of the draft. This criticism we think just; we only doubt the propriety and wisdom of making it in the way it has been made. Without question it is a perplexing and annoying duty where a man is burdened with quite enough to do, to have to deal with a body, many of whom are also much burdened, with whom it happens that he totally disagrees, but in all these cases it is not worth while openly to publish differences except on important points. *It is worth while to require publication of a fair difference on such points, and so far we go entirely with Mr. H. T. Prinsep.* So much for the purely personal and critical parts of the questions at issue, about which, we take leave to say, the public cares not one sixpence: we now come to the real points in dispute.

The fund which Government is obliged to spend by Act of Parliament for the purpose of furthering the improvement of the people of India, is ten thousand pounds, which we may take at an ordinary computation, as one lack of sicca rupees. We believe that the Government actually spends on public education about 2,20,000; but we do not pretend to exact accuracy in this matter, nor can we, until to the reports published, are added abstracts of the accounts and fund employed. This fund is wholly insufficient, (taken in the largest total) for the purposes of ELEMENTARY and PRIMARY education. Mr. H. T. Prinsep

says so himself—he says there is not a rupee for each village. Without doubt he is correct, because, even if he were speaking of this, or the Agra presidency, that would bear him out, and he was speaking of *all India*. The fund, then, is clearly insufficient for the purposes of primary education. What is to be done?

Mr. H. T. Prinsep says, that to attempt primary education, except through the medium of the *vernacular* languages is an absurdity; we say so too; but the question that first arises is, whether under such circumstances, we must not first attempt to educate solely a certain number of the people, in European literature and science, through the medium of the English language. The end of all parties being confessedly, the ultimate attainment of knowledge according to that, the highest standard. Mr. H. T. Prinsep apparently, however, goes much farther; he is of opinion, that, *neither by the English or the vernacular languages*, can we attain to the end proposed, and that it is solely by the employment of a *third* means combined with the other two, namely, the employment of the *learned* languages of the East, the Arabic, Persian, and Sanskrit, in conjunction with English and the vernacular languages, that we can even attain the purpose of raising up a good body of translators, that is, a body necessary to *begin* any education, beyond a mere primary education in the vernacular tongues.

Now this is all very well, and may be very proper, where funds are unlimited, and Government is enabled at once to lay a wide basis for the permanent education of all Indian posterity; but in the mean time the question is *WHERE ARE THE FUNDS TO COME FROM?* And that question reaches to something beyond verbal criticism; in short Mr. H. T. Prinsep's paper, in this great point, is anything, but *purpose-like*: it is not practical; as far as we can see, it leads to nothing—we may say safely if such things be necessary to *begin* education, it cannot now be begun at all.

We have no hesitation in again throwing down the gauntlet to those men, if such there are, who advocate the employment of the *vernacular* and *learned* Oriental tongues *conjointly*, without English, as the sole means of imparting *European knowledge*, or a really good education: we say that *by any employment of either state funds or voluntary donations*, to expect to raise up *a body of instructors, for such an end by such means is for the present generation a mere folly; a voluntary, or purposed deception.* If the advocates of that system mean to say that *by translations, European science*, at least may be imparted, and somewhat cheaply in an elementary form, we admit this, but reply, that in the order of any rational common wealth, (not to speak of Plato's republic, or More's Utopia) physical science comes after *Erucis*—and that to begin with the first is to begin at the wrong end, and provide, what even in India is least wanted.

Any man may be severe, if critically disposed, on the English of the students of the Hindoo College; we take it, that any man competent to such little things, might be just as severe, and as severe justly, on the *Persian* and *Arabic* of learned civilians, or of the native law officers of Company's Courts. To what purpose does all this trash serve, beyond that of administering to the self-love of a few who feel that their learned ignorance is comparatively safe from criticism? Mr. H. T. Prinsep estimates the *vernacular* dialects of India at fifty—we suppose he leaves the hill tribes, and our possessions to the Eastward out of account, for we should be disposed to estimate the whole number including Ceylon, at double—but this is a point on which the learned may very well employ themselves in imparting information to the public; we dare say the most careful list any individual could prepare would be added to. Have the advocates of the employment of the *vernacular* dialects made up their minds to leave out the *insignificant tribes* and deal only with masses, and to spend the whole of the *state fund* for education in cherishing mixed *Oriental-European-vernacular* learning in three or four dialects, such as the Bengalee, Hindce, Oorya or Tamul?

The moral and political value of English, all arguers of this stamp keep scudulously out of view—it would be of no value to the East India Company which has governed this country so well to have it bound closer by a large community of language and thought to England! A controversialist said not very long ago, that these countries which were gained by war were kept by law, [*jure retinentur*], i. e., by the civil service, and Mofussil law: intimating pretty plainly, that the services of about 200,000 men in arms were of little value, compared with the *moral force* of the law and police of the Mofussil. Now, we beg leave to ask this question; does any rational statesman, not biassed by the prejudices of a class, and who knows how property has changed hands here, and what has been the working of the revenue and judicial systems, believe that if, when Lord Clive acquired these provinces, the whole had been parcelled out among his troops, and no such thing as a *licence* to come hither or a prohibition to Englishmen to hold land, known, that a greater transfer of lands from one proprietor to another would have taken place, more real injustice have been done, or (to come to the main point in all Indian questions) less revenue have been now extractable by Government from the lower provinces, those of which the Company at last stood forth as *Dewan*? We humbly opine that, if the Company could have continued its lease hitherto, which it probably could not have managed) both Europeans and natives would have been better off, and the Company too. In this case does any man suppose that the *Persian* would have been the language of the law, or that a very numerous body indeed would not now have existed well acquainted

with the English, and if it were not exactly the English of the best authors, or the best society, would that signify?

In short, on the same principles that the use of *Persian* is supported in the Courts, that the *Anlah* are made *Moonsifs* and *Sudder Ameens*, after a long career of subaltern roguery, to crown it all by judicial corruption throwing discredit, and bringing inevitable failure upon the experiment of employing natives (without a previous better moral education) in judicial employments, on the very same principles is *political* hostility at work to counteract English education. There is a sort of Free Masonry in this. One monopoly supports another. If the want of obvious logical connexion of this topic with that of education should be found fault with, we shall be happy to use our best endeavours to develop very much at large, the propositions by which we think we perceive that the one subject is coupled naturally with the other.

We have remarked above, that:—

“The substance of Mr. H. T. Prinsep's minute on that point of the subject imports this and only this; namely, that the Government order of March, 1835, and the original draft report were in conformity; further that in fact, both enjoined, or recommended, more or less, the employment of the state funds, at the disposal of the committee, for the purpose of furthering education in European literature and science, by means of the English language alone, and that the committee have altered it so as to indicate a wish to encourage primary education in the vernacular tongues inconsistently with the tenor of the draft.”

On a more attentive perusal of the documents, we find that what really took place was this. The committee indicated its wish to encourage the cultivation of the vernacular languages, and described the measures which it had taken for this purpose in the *original draft of the report*; upon which, Mr. Prinsep, on the one hand, charged the committee with acting inconsistently with the Government order of the 7th March, 1835, while, on the other, he denied that they had paid the attention which they said they had, to the cultivation of the vernacular languages. Upon this, one or two expressions in the original draft were slightly modified, in order that no handle might be given to the hypercriticism with which the committee were threatened, and the following sentences were added ‘to explain the grounds on which the committee conceived, that in encouraging the study of the vernacular languages, they were not acting inconsistently with the Government order of the 7th March, 1835:—

“We do not conceive that the order of the 7th March precludes us from doing this, and we have constantly acted on this construction. In the discussions which preceded that order, the claims of the vernacular languages were broadly and prominently admitted by all parties, and the question submitted for the decision of Government, only concerned the relative advantage of teaching English on the one side, and the learned eastern

languages on the other. We therefore conceive that the phrases "European literature and science," "English education alone," and "imparting to the native population a knowledge of English literature and science through the medium of the English language," are intended merely to secure the preference to European learning taught through the medium of the English language, over Oriental learning taught through the medium of the Sanskrit and Arabic languages, as regards the instruction of those natives who receive a learned education at our seminaries. These expressions have, as we understand them, no reference to the question through what ulterior medium such instruction as the mass of the people is capable of receiving, is to be conveyed. If English had been rejected and the learned eastern tongues adopted, the people must equally have received their knowledge through the vernacular dialects. It was therefore quite unnecessary for the Government, in deciding the question between the rival languages, to take any notice of the vernacular tongues, and consequently we have thought that nothing could reasonably be inferred from its omission to take such notice."

With regard to the plan of teaching English conjointly with the Sanskrit, Arabic or Persian languages, it has already had a fair trial at the Arabic and Sanskrit Colleges at Calcutta, and at the Delhi and Agra Colleges, and has failed in every instance. The committee has noticed the subject in several places in their report, from which we have selected the following extracts:—

**CALCUTTA SANSKRIT COLLEGE.**—His Lordship in Council is aware that the English Class formerly attached to this College, was abolished from the commencement of the current year, and the Fund for its support transferred to the Agra College. This measure was not resorted to by us, until it had been established by the result of a long trial that it will not answer, as a general rule, to teach two learned languages to the same student in this country. The period usually allotted to education is shorter here by 2 or 3 years than it is in Europe, and, except in rare instances, the effect of attempting to teach two such languages as English and Sanskrit, or English and Arabic, is to give the student a smattering of both, without a competent knowledge of either—to overload his mind with words, without leaving him time for the acquisition of that knowledge as a medium for the communication of which those words are alone valuable. A similar attempt at the Mahomedan College to teach Arabic and English simultaneously, ended, as has been seen, in total failure; but as the English Department of that Institution alone offers an opportunity to the Mahomedan community of studying English, instead of abolishing it, we resolved to strengthen and improve it. It is open to the Students of that College to study either Arabic or English, or both, as they may themselves prefer. The Hindu College, to which all Hindus have free access, rendered it unnecessary to keep up another English Institution for their use.

**AGRA COLLEGE.**—It appears, however, that although each boy is classed as belonging to some one department, he may also pursue his studies in one or both of the others. Thus of the 192 Students in the Persian department there are engaged in the study of

English.....	78
Arabic.....	25
Hindee.....	30
Persian Arithmetic.....	191
Persian.....	192

making the number of examinations in this department

516. When carried too far, this system leads to superficial acquirements, and we are disposed to think that, as a general rule, the pupils in our Seminaries ought not to be encouraged to cultivate more than one learned language (either English, Persian, Arabic or Sanskrit) besides the vernacular language of the Province. Boys of extraordinary talents may be able to do more, but we are satisfied that, in ordinary cases, the attempt to acquire two learned languages will end in both being superficially attained, and that much time will be lost in learning a multitude of words, while little real knowledge of any sort will be acquired.

We believe the plan of teaching a language, not for the sake of the literature which it contains, but merely for the sake of using it to improve another language, to be altogether an illusion, and, when we have leisure, we shall give our reasons for thinking so.

At the conclusion of the above observations, we stated our belief that the plan of teaching a language, not for the sake of the literature which it contains, but merely for the sake of using it to improve another language, to be altogether an illusion. A very clever letter, signed "A TALLOW CHANDLER," simultaneously appeared in the *Englishman*, strongly supporting the same position, and as we think the formation of correct opinions on the subject of education, a matter of great importance at the present period in India, we have, contrary to our usual practice, copied this letter among our extracts. The wit which sparkles throughout this production would amply repay the trouble of perusal even to persons who take less interest in the subject than we are willing to believe the generality of our readers do.

#### MR. H. T. PRINSEP'S MINUTE.

NATIVE EDUCATION—PROGRESS OF CIVILISATION—  
HOW TO IMPROVE LANGUAGES.

TO THE EDITOR OF THE ENGLISHMAN.

Mr. Editor,—Having been bred a tallow chandler, I feel without any unchristian charity, a professional dislike to the sons of darkness who contrive, once a year or so, to kick up a mad-dlin row, and vent their spleen against the little but increasing light around us, with a marked disposition to put out what the poor people of this country have received from their real friends, and begin to relish. This heterogeneous crew consists of all grades of barbarian scholars, secretaries to government, Arabic and Sanskrit pedagogues, and translating missionaries, whose acquisitions give them a vested right in barbarism. I can sympathize perfectly with these gentlemen, and understand the nature of their afflictions. Nothing could at one time appease my wrath

or mitigate the hatred which I bore to bees-wax, the arch-enemy of our branch of trade, until a friend who had learnt philosophy in Scotland, at four pence a week, gave me Adam Smith's 'recipe for the cure of selfishness. Transform yourself in imagination, said he, into one of the many millions of men who derive benefit from using *moulds* instead of *dips*, or, (saving your presence, Sir,) wax instead of tallow candles, and you will see the unreasonableness of supposing and urging that your interest should be preferred to their advantage. This remedy proved so efficacious in calming my spirit and restoring me to rationality, that I strongly recommend it to our most learned orientalists, who have fixed their unalterable affections on those venerable drynurses of ignorance and vice, the Sangskrit and Afabic languages.

LIBRA, with a monstrously ill-balanced argument, came forth, trumpet in hand, this season, to clear the way and announce the approach of the plenipotentiary of the Barbarophiles, Mr. H. T. Prinsep, who, compelled by request of admirers, has appeared on the abominated stage of pernicious publicity, to recite a lengthy, hypercritical, and captious minute on the report of his colleagues of the Education Committee.

Had Mr. Prinsep served an honest apprenticeship in my vocation, and not been unfortunately thrust into office like a foolscap letter into one of his pigeon holes, to be preyed on by moths and other vermin of the East, he might have understood and expounded better than he has done, the process by which a vernacular tongue is made the instrument of civilizing the semi-barbarous people who speak it.

Take the language of our own ancestors as an example.

\* Saxon, Mr. Prinsep, was the original tallow of the English candle, which now sheds the light of all arts and sciences. The first dip of civilization which it got was an indigent one in Norman French. Down it went again and again in Greek and Latin, on the revival of letters, when it received a thick pervading classical layer. Next came coatings of Italian and modern French. The domestic polishing began in Charles the Second's time, and is still adding grace to our speech.

The melting day is past, and the matter of various quality obtained at each successive dip, has blended harmoniously with the rest. But we still see distinctly enough the constituent parts of the candle and acknowledge their united power.

: Now this power, applied to language, namely, the capacity of embodying and the fitness to communicate the thoughts peculiar to civilized men, were not derived from the barren literature of Germany and Scandinavia, and adopted by the juvenile subjects of Edward

the Confessor and William Rufus, in the village schools patronised by their majesties' secretaries of state; but gradually introduced into the balderdash of those serfs by English scholars who, having charged their own minds with the ideas of Greeks and Romans, were enabled to create representative of them by forming new words in their mother tongue. Thoughts, believe me, ye midnight brawlers in the spirit, are the souls of words, and if once they get into the head from abroad, impel men to find appropriate bodies for them at home. Vocables, alone, the whole carcase of a language, would no more bring ideas to enlighten the ignorant than Lord Clive's picture in the council chamber could teach the Ego et Rex meus of the sagest Arabist to plan a campaign or cheat an Omichund.

Mr. Prinsep and his friends may justly complain of my illustrations being low or far fetched. Suppose, then, any gentlemen of influence within our 'Maharatta Ditch,' secretary, merchant, lawyer, doctor or parson, to set seriously about public business; does he make a job first, and afterwards look out for a dear complaisant friend to profit by it? Never! the object of regard, like a European conception to a Hindoo College boy, comes to the worthy ditcher's heart, and in proportion to the candidate's magnitude in the patron's affection, a place of suitable dimensions is prepared for the 'meritorious and talented' protegee. So it is with the ideas imported in our language and adopted by the natives.

English, a ready repository of whatever instructive, elevating or ornamental acquisitions Europeans have made to the human mind since they left orientals behind, where they remain, after the lapse of five hundred years, — English is, in fact, the only existing medium by which the rulers of India can impart their intellectual wealth to the natives. This is virtually acknowledged by the objectors. The fifty vernacular dialects, says Mr. Prinsep, truly and contemptuously, are utterly unfit to be languages of literature. But, (there is nothing like leather,) this dissenting member of the Committee of Instruction adds, the living jargons can be made all that we require by leaving learned natives, taught at the public expense, and our translating brethren to enrich them with new words formed from foreign Arabic and dead Sangskrit. This monstrous notion was first engendered, I believe, in the brain of Mr. John Tytler, an able and very ill-used workman of the barbarian host, who, smelling the march of intellect afar off, could invent no better employment for himself and associates than tinkering the Bengallee and Oordoo, until he had patched them each with an appendage for the reception of western knowledge; instructed by some old bachelor in the Mofussil, perhaps, who may have run up a new room at the end of his bungalow, to accommodate a daughter come from school. This preposterous apology for wasting money on useless languages which are about as difficult to acquire as English, if it be not intended, like Tory

schemes of education in the west, to divert Asiatics from learning more than a lover of things as they were, thinks desirable, shews how much orientalism can blind and narrow the understanding of its votaries.

The history of improvement in all nations attests the fact, that words and their meanings, when wanted by a people, are introduced together from the same fountain of supply, not separately by manufacturing the one from rotten stores at home, and importing the other from abroad, to be unnaturally united. Are our vocabularies of war, cookery, and dress-making Greek coinages, or unaltered French? As the classics amplified and refined our rude speech of the middle ages, so might and ought English now to amplify and refine the vernacular dialects of India. It is from this source that they can soonest and best obtain the finishing *stratum*, required to make them fit vehicles of literature and science.

It is highly amusing to see Mr. Prinsep, in suppressed rage, cavilling at the diction of the only thorough-going act of Lord William Bentinck's administration, and contrasting the letter of it with the spirit in which his colleagues carry an excellent measure into effect. His Lordship, I suspect, did not much differ from his Secretaries in pure love of native education, but *nam ke woste*, for a few

plaudits from the Press, he had no objection to devote all the funds existing last year to instruction in English. He did not, however, interdict the application of other means to encourage the study of the indigeneous jargons, which, indeed, can be rendered available for education, as I have endeavoured to shew, only by the previous introduction of English, the object of the great measure of the former Governor General in the cause of enlightenment.

In concluding, Mr. Editor, I must own that every benevolent person ought to feel for Mr. Prinsep and his fellow sufferers. The majesty of darkness, that once threw her mantle gracefully over the official palace, has been cast down. There was something dignified and Turkish in the very sound of Arabic gutturals that made them congenial to the secretarial heart. Now that a man in office must enunciate his purwannahs in plain English, the day may come when all he writes and does will have to be published, subject to the comments of the vulgar, and moving the melting tenderness of

A TALLOW CHANDLER.

25, Churbec Buttee Gully, Oct. 30, 1836.

## BORNEO PROPER.

Within the last few years several English vessels from this settlement have visited the ports of Borneo Proper, without, however, bringing away any intelligence of interest to add to the scanty stock of information which has hitherto been communicated to the Public respecting that country, of which much less appears to be known than of almost any other of the considerable native states along the coasts of the vast Island of which it forms a portion. We are now enabled to give a few particulars relating to that country, which have been supplied to us by an Armenian gentleman who has recently returned here after a residence of about two years at the principal town of Borneo Proper;—but as the whole of that time was spent by him in the city itself, with the exception of one short excursion into the interior, the account we have received is neither so new nor so inter-

esting as we might seem authorised to expect from the opportunities of collecting information afforded by so long a residence. But the ignorance, apathy, and indolence of the Borneo people, and the personal danger which is supposed to attend attempts to penetrate any length into the interior—entirely occupied as it is by barbarous and savage tribes—concur to render the acquisition of information a matter of no small difficulty and trouble.

The appearance and situation of the chief city of Borneo Proper have often been described. The houses, which are entirely composed of the nobong, kajang and attap, are all built over the river, close to its banks, and supported on posts. In most of the accounts we have seen, the town is stated to be ten miles up the river—but our informant places it at about four miles from its embouchure and as extending altogether about

3 miles along the sides. The houses are placed in rows of two and three deep—the communication between them being entirely by water, except where, in some instances planks are stretched across from one to the other. The population appears to be very considerable, probably not less than 100,000, of which 20,000 are slaves. The scenery, on entering the river, as well as in the neighbourhood of the town, is said to be extremely beautiful—the eyes being every where attracted by the most pleasing variety. The river flows through a valley, lying between two ridges of hills which descend to within a few miles of the town. These hills are not, as is almost universally the case with all mountain scenery in this part of the world, covered with forest from the base to the summit, but are wooded only about the lower slopes, while their sides are covered with a long grass, with trees occasionally interspersed. The river is about a mile broad where the town is placed, and the water is there always brackish from the influx of the tide—but fresh water is supplied in the utmost abundance, and of excellent quality, from wells and springs in the neighbourhood. The river is navigable by vessels of considerable burthen, for some miles beyond the town, but it is thought prudent to remain outside at the usual anchorage, which is about 10 miles distant from it.

The usual and indeed only method of conducting mercantile transactions at Borneo is by barter; and this principle extends itself to the most minute and ordinary operations of domestic life—neither gold, silver or copper coin are ever seen in circulation. English bar iron, cut into pieces of about a finger's length, constitute the lowest standard of value, and a piece of blue Madras cloth (salempores or moorees) circulate with the same freedom as a Spanish dollar at this place. Slaves are bought and sold for so many piculs of pepper or so many catties of camphor; and a whole ship's cargo must be disposed of by the same process. The chief article of subsistence among the people of Borneo Proper is sago, although rice, which is much dearer, is preferred, and sometimes used among the lower, and always among the wealthier classes of inhabitants—but whether from possessing an

abundant supply of an article of spontaneous growth and easy preparation like sago, from the unfavourable nature of the soil, or from the proverbial indolence of the inhabitants—there is no rice cultivation visible in the neighbourhood of the town. Their chief supplies of this article appear to come from the interior, where its cultivation is more attended to by the Dayaks. It is brought down the river in husk, of which it is cleared in the method usually among the Malays, by the slaves. Fish is procured in the greatest abundance, and three of the flat pieces of iron mentioned, will purchase a pair of fowls; a common cotton handkerchief, or an English quart bottle has also been received in exchange for two fowls.

No inconsiderable proportion of the property of the more affluent class of the inhabitants of Borneo consists of slaves. The Sultan owns 500 or 600 male and female—and several of his nobles, or chief officers of state, possess nearly an equal number. Most of the slaves imported, are brought from the islands to the eastward—many of them captured by pirates—but, from the number of women among them, it would appear as if a regular slave trade was carried on with these islands. They are, of course, valued variously; but for a young active lad, 3½ catties of camphor, of which the price is drs. 12 a catty, have been taken. Female slaves, if young and handsome, are of course promoted to the harem—while domestic drudgery becomes the lot of the less attractive. But in Borneo all work is performed by the women—the “lords of creation” there think every occupation, besides smoking tobacco, quite beneath them, and they never go out of doors except for the sake of amusement, to make a bargain, or perhaps to go to the mosque. The men, however, are not totally uneducated; a considerable majority of them know to read or write, and are conversant with the Malayan as well as the Borneo languages. The chiefs and men of rank pique themselves on speaking a very pure and high Malay.

The present Sultan of Borneo, named “Sultan Omarailly Sapooden,” is, it appears, a mere remove from absolute fatuity, and though the dignity of his station is held in reverence and respect, he is personally disregarded

by all his subjects. He enjoys all outward marks of honor, but his place in the actual government of the state is supplied by the Pangeran Moodah Asim, who is commonly styled "Rajah," and possesses the affections of the inhabitants. He has, however, shewn no disposition to take advantage of these circumstances in his favor to the prejudice of the Sultan who is his first cousin, and whom he treats with every shew of respect. The chiefs or nobles of Borneo are unfortunately numerous, and they are sometimes able to exercise a most injurious influence over the operations of commerce, which they would fain reserve altogether for themselves. They are not considered the safest to deal with, and the Nakhodas, or principal men among the trading class, are deservedly preferred, and are said to be very fair in all their dealings. There appears to be no fixed rate of duty at Borneo on the importation or exportation of goods—which is at the discretion of the Sultan. When an English vessel arrives to trade, the amount of the duty to be charged is settled between the Nakhodas and the Sultan: the duty is always laid on the produce exported, and is paid to the Sultan in kind, and he generally barter it again with the supercargo for the same kind of goods as the Nakhodas have been buying from him. When the *Highland Chief*, which arrived here the other day, was at Borneo, the duty paid the Sultan on the produce she took in was 6 per cent.

It appears that the Chinese in this part of the Island of Borneo are far from being so numerous as in other parts of it; they are assembled at a short distance from the town in a small kampong or village, which does not altogether contain more than thirty of them. It is probable they were formerly more numerous, when the Junk trade from China with Borneo Proper, was more considerable than it is at present. There are no artificers among those now there, who are solely engaged in the cultivation of pepper and other articles. No mines have been opened by them in this part of the country.

A journey of three or four hours up the Borneo river brings you to a tract of country inhabited by a Dayak tribe. It appears

that the intercourse between the Dayaks of this part of Borneo and the inhabitants of the country near the coast is both rare and limited. \* The Dayaks are regarded with dread as a race of ferocious savages—and with abhorrence as pagans or idolators, who are every where such strong objects of aversion to the followers of Mahomed. It appears from the account of our informant, who was a personal witness of what he relates, that the revolting passion for the possession of human heads, which is the well known characteristic of the Dayak races, exists in perfection among the tribe which he visited. Every house is a complete Golgotha. The number of heads which a man possesses is the criterion of his rank and importance; there is no other nobility among them. In one house alone between four and five hundred human heads were suspended from the ceiling. And as this was the most numerous collection in the village or district, the owner was looked upon as the most considerable person in it. This rich harvest had not, however, been altogether gathered by its present possessor, and he exhibited part of it as a rich inheritance from his sire. The head of a white man was a desideratum with this personage—and it was intimated to our informant by the Dayak himself that unless he had come numerously attended and prepared for resistance, either he or some more fortunate individual of the tribe would have rejoiced in the possession of his cranium!—These Dayaks are complete strangers to fire-arms of every description, and exhibited \*the utmost astonishment on their being used. The *sumpin*, or long pipe through which they blow, and with which they cast a short poisoned arrow with great force and precision, appears to be their favourite weapon. When a Dayak goes on a *head-hunting* expedition he is always armed with his blow-pipe and arrow; conceals himself behind a tree or thicket, and waits the approach of his enemy—which all members of a rival tribe are accounted. He generally succeeds in his first discharge—either killing his victim, or wounding him so as to make him an easy prey: and the head is carried away as a trophy. The Dayak, however, does not always make his attack in that cowardly manner; inflaming himself with drink he sometimes



goes openly and directly to the object of his enmity—challenges him to a combat with swords and shield, and either kills his enemy or falls himself in the attempt.

The Dayaks are excessively filthy in their habits. The stench within their houses is almost pestilential; pigs in great numbers are familiar inmates of their dwellings as also dogs, goats, and monkeys, with other animals of a less domestic nature. They are, it appears, supposed to worship the pig—but they make no scruple in killing and eating it, as well as other animals, among which are rats and monkeys. The cow as well as the buffalo are common to this part of the country, and the Dayaks drink the milk of both. With respect to dress, the Dayak goes about nearly in a state of entire nudity, a strip of cloth round the loins being his only covering. The raiment of the women is not quite so scanty and consists of a piece of cloth tied round the waist and reaching to the knees. The Dayak women are fairer than the Malays, and are considered rather handsome. They are sometimes as expert as their husbands in the use of the blow-pipe—and have been known to take successful revenge for his death, at the hands of another. The men are addicted to smoking, and also distill a strong spirit from rice, resembling Holland in appearance and partly in flavour, in which they lavishly indulge. They are not, however, so indolent as the Borneans—but work in the field and forests with their wives. The chase is a favourite amusement; and in this sport the *sumpit* is again the usual and most effective instrument of destruction. In these excursions it is common for the wife to accompany her husband, and to assist him in the pursuit of game. Various descriptions of deer abound in their country, but neither the tiger, nor any of the other more formidable animals of the feline species are met with in their forests. On festive occasions they have music and dancing—the men play and the women dance, while they, at the same time, accompany the music with their voices. Their music is said to be extremely sweet, and possessing considerable variety. Some airs which our informant heard played were plaintive and melancholy, while others were of the most lively description. We have seen one of their musical instruments which he was

presented with on his visit; we should, were we to attempt it, describe it very imperfectly, although singularly simple in its construction. Let it therefore suffice here to say that it is blown by the mouth, and that the sounds which it produces have, as appears to us, the closest resemblance to those of the harmonicon.

It will not of course be for a moment credited or supposed that this monstrous practice of collecting human skulls for the ornament of their houses is altogether maintained by mutual slaughter among the Dayaks themselves. There is no doubt that the head of a foe is still preserved as a token of the possessor's prowess and that they sometimes murder each other to procure this trophy; but it may be held as equally certain that they are obtained by other means. In an interesting notice of the Island of Borneo contained in the *Chinese Repository* for March last, it is stated, that the Dayaks of Mempawa “sometimes connect themselves with pirates on the condition that the skulls and iron shall be theirs and the other plunder go to the pirates.” They would probably buy any skull that was offered, and no doubt many of these ornaments cost their possessors something very different from personal strife and hard blows.

The following directions for entering and anchoring in Borneo harbour have been obligingly handed to us by Captain Paddon of the *Highland Chief*, viz:

A ship going into the harbour of Borneo Proper should, after passing between the Nabooans and Tree Island, (either of which may be approached till within 1 or 1½ miles) steer east or E. by S.—taking care not to bring Tree Island to bear to the northward of west, until she has the south end of Pulo Mooarro bearing S. W. by S. when Double Island will begin to open out from the south end of Pulo Mooarro, and she will be clear of a bank which runs out from the main land to the westward of Pulo Mooarro about 6 or 7 miles to the N. E.; then steer in for the anchorage which is off the south side of Pulo Mooarro about ½ or ¾ mile in 7 or 8 fathoms. The channel is 3 or 4 miles broad; the least water in the channel 4 fathoms, shoaling gradually on either side.—*Singapore Free P.*

## REPORT ON THE FUTTEHGURH OF PERGUNNAH NUJJUBABAD.

BY H. LUSHINGTON, ESQ.

To———, *Commissioner of Moradabad.*

Sir,—I have the honor to submit the settlement of pergunnah Nujjubabad, effected under the provisions of Regulations IX of 1833.

2.—The first steps in every settlement, so long as the Sudder Board's letter No. 28 of the 21st April last remains in force, must be the classification of the villages with reference to general similarity, the ascertainment of the *rent* rates paid by each soil of each class, and the assumption of a pergunnah jumma.

3.—First, then, the classification of the villages.

Having been, it must be confessed, unsuccessful in my attempt to classify villages and equalize rates\* in pergunnah Kuruthpoor, I commenced this duty in Nujjubabad with severe attention. One failure,—for failure I presume it is,—was insufficient to prove either my own inability or the impracticability of the Board's system. I visited nearly all the villages taking with me the Canoongoe, a very intelligent officer indeed, and endeavouring to draw from him explanations wherever we came to villages similarly circumstanced, but assessed at different rates; if he failed, I applied to the zamindars, putwaris and moocuddums themselves. This laborious process has produced results more satisfactory than those which were exhibited in Kuruthpoor yet not such as they ought to be. The pergunnah was divided into 4 classes. 1st, the southern class: extending from the southern boundary of the pergunnah (with an exception) to those villages which lie adjacent to, and are under the influence of, the forest, in whatever shape such influence may present itself. 2nd, the northern class: composed of villages in which the cultivators received a larger portion of the produce; in which the crops are constantly damaged by wild animals; where men are disinclined to reside on account of the insalubrity of the climate where sugarcane is produced in small quantities, and of an inferior quality; and where the thinness of the population leaves the business of agriculture in the hands of pykash royts. 3dly, a class, composed of a few ohoor villages on the southwestern boundary of the Pergunah adjacent to the dry sandy plains of pergunnah Mundawer, and forming the high bank of the Ganges. The soil of these villages is very inferior, and water is not procurable. 4thly. The forest, which will be fully noticed presently.

4.—Secondly, the ascertainment of the *rent* rates paid by each soil of each class.

In a pergunnah where most of the villages pay in cash, this would not be impracticable: but the difficulty is very great where every village pays in kind. It would be long and useless to describe the process by which the results mentioned below have been obtained, but as I wish the Board to be under no false impressions, I must admit that in estimating the *rent* rates I have availed myself largely of the assistance of the canoongoes. The *rent* rates first taken, though they formed the basis of the calculation, were afterwards slightly changed to prevent the *revenue* rates appearing in small fractions. These *rent* rates applied to the cultivated area given by the khasrehs shew the "total pergunnah assets" to be 99,881 rupees, but he who should rely upon this as a fact, would in my opinion run the risk of being very grossly deceived.

5.—Thirdly—The assumption of the pergunnah jumma. This was a much easier task, the current business of every day furnishing the officers of Government with opportunities of forming an opinion. The over-assessment of pergunnahs Kuruthpoor, Nujjubabad and Nuggunah was matter of notoriety long before my appointment to the district; Kuruthpoor has been settled and reported: the assessment did not prove to have been so heavy as report had declared it, and the decrease was concealed by the revenue henceforward to be derived from the resumed maufee lands; Nuggunah is not yet known; but the circumstances of pergunnah Nujjubabad are worse than even report had made them; the high rates† paid by almost all the Nujjubabad villages; the realization of revenue by loans from mahajuns; the alienations of hereditary estates; the numberless and necessarily rejected resignation: the frequent decrease of jumma on summary re-settlements, in which necessity gives all authority to the Collector, or even to the tehsildar, and renders the sanction of others perfectly nugatory; the neglect of cultivation; the complaints of the people; the remonstrances of the native officers, or still worse, their energy in collecting; those and many similar signs were quite sufficient to justify me in assuming that the jumma of Nujjubabad ought to be some 15,000 Rs. less than it now is, independent of the uncertain relief which it might derive from the resumption of illegal rent free tenures. I fixed it at 65,000 Rs. The difference between this, and the sum recorded below is suffered for the sake of facility of calculation.

6.—I subjoin a schedule of rent, and revenue rates. This schedule, and the three preceding paragraphs will mutually explain each other.

## RENT RATES.

	Sewan.			Muttiyar.			Bhoor.			Total.	
	Acres.	Rate.	Rs.	Acres.	Rate.	Rs.	Acres.	Rate.	Rs.	Acres.	Rs.
1st. Southern Class....	7057	5-8	3,881	4,891	4	19,564	1116	1-8	1,074	13,064	60,051
2d. Northern Class....	3,616	4	14,464	2,697	2-12	7,417	1030	1-8	1,555	7,373	23,426
3d. Bhoor Class....	496	2-12	1,364	105	2-12	288	44	1-8	66	645	1,718
4th. The Forest....	....	....	....	....	....	....	....	....	....	....	6,638
							Pergunnah Jumma rupees 91,834				
1st. Southern Class....	....	4	28,218	....	3	14,073	....	1	1,116	....	44,017
2d. Northern Class....	....	3	10,838	....	2	5,354	....	1	1,030	....	17,272
3d. Bhoor Class....	....	2	992	....	2	210	....	1	44	....	1,246
4th. The Forest....	....	....	....	....	....	....	....	....	....	....	6,638
							Pergunnah Jumma rupees 69,173				

7.—You will doubtless observe that the settlement itself contradicts the assumptions contained in the above figured statement. The Southern class was very successful, and exhibits considerable equality in the rates of assessment: but when I came to the northern para: 3, led me to form them into a separate class, it appeared that they all paid as high as the southern mehals; yet, as lower rent rates had been taken, the proposed jummas of the northern villages, though reduced, nearly all exceed the "value assumed at deduced revenue rates."

8.—There are only two ways of explaining this. Either, first the northern class is more heavily assessed than the southern, or 2ndly, there are some advantages still undiscovered which counterbalance the acknowledged disadvantages of the jungle villages. The first position is declared by acclamation to be untrue; if so, the inevitable alternative tends to

prove that the deepest attention to the subject, and the utmost exercise of such abilities as I possess, have been insufficient to enable me successfully to apply the theory of the Sudder Board of Revenue. It would have been easy to report the settlement in a form which would have coincided with their views, and ensured their approbation, but I hope I am not presumptuous in taking a higher ground: my official reputation is less than I believe it to be if I may not be allowed to question whether those ends ought still to be aimed at, which are not attainable with the means at our disposal.

9.—It may be said that these average rates furnish a "standard of comparison, and not of assessment," and that they sufficiently answer the purpose for which they were intended. Perhaps so; but where the variations from the general rate are "casual variations," every officer, anxious to act in concert with his official superior, will remember that "there are few points to which the Board attach higher importance than to the endeavor to reduce the amount of casual variations to the smallest possible extent." How much in earnest they were, appears from the late insertion, No. 2, of the heading "value assumed at deduced revenue rates." It will not be denied that that settlement would be considered successful which should bring the proposed jummas as near as possible to the amount at revenue rates: and if this be true, then will average rates be to the subordinate authority a standard of assessment, although the Sudder Board will still regard it as only a standard of comparison.

10.—I have concluded my observations on the subjects proposed in my second para, and shall now endeavour to satisfy you of the fact, and acquaint you with some of the consequences of the over-assessment of pergunnah Nujjubabad.

The first obvious cause of the inability of Nujjubabad to pay its late jumma is the decrease of cultivation—itsself an effect: whether this again was caused by original over assessment, I am not prepared to say, though it has undoubtedly been the case in many instances; but it is well known that the forest has encroached upon the inhabited country since the cession, as it had done for years previously; that it is still advancing especially on the Nagul or western side is a fact which I have ascertained by personal inspection. Fields which a year or two ago were subjected to the plough now present a smooth surface of short dry grass divided by the usual ridges of earth; a little further on, the long yellow weeds of the forest appear in patches, disfiguring the ground where the turf and corn were before, and concealing the boundaries of the several khets; beyond, all is jungle; except where some solitary mango grove surrounded with stunted daak trees, and choaked with underwood bears mournful testimony to the misfortune of man.

11.—Severity of collection will of course be felt most in districts which are most highly

assessed. I have frequently alluded to this activity since I took charge of my present appointment, but never have seen its consequences so clearly displayed as in the present condition of this pergunnah. I am too well accustomed to the natives to be misled by every shout for justice, but I scarcely entered a village in which I was not condemned to hear some not unfounded tale of poverty, and distress. If I were to assign one cause which contributed more than any other to this ruin, I should name activity of collection. The continuation of a tehseeldar in his appointment depended upon his realizing the revenue of his division, and it was frequently done at the expense of justice, and of the future interests of the country. It would prolong this report beyond any bounds to detail facts which would justify my using much stronger expressions.

12.—It has not escaped me that if pergunnah Nujjubabad was really in the condition I describe, it is surprising that the revenue should have been collected at all. Oppression may extract a few rupees in particular years, but it cannot last: where did the money come from?

13.—I do not pretend satisfactorily to account for this, and it is difficult to explain the thousand and one manoeuvres by which clever native officers extract money from any person who chances to possess it. If there are two villages equally assessed, one settled with a careful farmer, the other with a careless spendthrift, as soon as the natural consequence arrives (namely the ruin of the latter) the former was required to join the ruined farm to his own, and to pay the loss of the one out of the profit arising from the other. Did he refuse, he knew that sooner or later he would be compelled to resign the village he had first taxed; for the preservation and realization of the Government demand was a necessity subject to no law.

14.—Again, a village has fallen into balance: the alarm is taken in time; the personal property of the defaulter is sold, and the farm not yet destroyed is made over to some more fortunate man. It presently appears that the new comer is making a good thing of it, and is forthwith called upon to arrange for ("subbeel") the arrears due from his predecessor in addition to the fulfilment of his own engagements, or to resign! I would not have ventured to make this assertion, as I do others on the authority of the Mofussil omalah and zemindars. A case of the kind actually came before me on my first arrival; I need not say what I did with it.

15.—An ignorant, or self-conceited person, coming to reside in the country, and bringing with him some property is literally a victim, especially if he has ever been in any way connected with land. He is persuaded to purchase or take in mortgage ruined villages, and the revenue is safe for a while; or he engages for some lapsed farm at a jumma which it will not bear; or some other mode is devised

of making his property of use to the Government. Yusufali-khan and his brother Fuzali are cases in point, which will be noticed presently.

16.—Or some wealthy individual purchases over-assessed villages to suit his own convenience, or to gratify his pride. The late Nawab of Nujjeeabad, is an instance of this kind.

17.—The mahajuns have contributed largely. Commencing with the loan of small sums to persons connected with the land, and finding their debtor unable to pay them, they have increased their advances; supported larger speculations, and ultimately submitted to the loss of their money. The Moccuddums of Noqul No. 18, have in this manner borrowed 4,500 rupees of a mahajun, all of which has been procured with or without the assistance of the Mofussil omalah for the liquidation of arrears of revenue. The parties have lately made a sort of compromise; the Moccuddums have promised to pay one hundred rupees per annum for seventeen years! The village is so much deteriorated, that the zemindars could not pay a proper jumma, and the present settlement has been made with the Moccuddums at a considerable decrease. *The Government are now repaying the mahajun.*

18.—If it be said, that the interest and caution of private individuals must prevent the evil noticed last from doing any very extensive mischief, I beg to remind those who think so, that even European skill is too often insufficient to protect capital: how many capitalists have been ruined by advances for the cultivation of indigo in the East Indies! how many have met the same fate by trusting to sugar estates in the West! Yet in these cases the influence of Government was not employed to encourage the loans.

19.—There is an admitted rule of practice in the Mofussil which will help to illustrate the struggle to keep up the Government jumma; and by this practice the moafeedars likewise are made to contribute to the revenue. In a village where ryotts are few or unfortunate, they are frequently unable to cultivate the whole of the land in their possession; on these occasions they are not permitted to till the fields of moafeedars, until they have tilled those which pay revenue to Government. The moafeedars, sooner than leave their lands waste, lease them on very favourable terms to the ryotts, who can produce this low rent without expending labour or money on the land. All that they have to give go to the production of the revenue, which is forcibly kept up at the expense of the moafeedars in defiance of circumstances which must naturally have thrown it down. I remember a village in Kuruthpoor in which  $\frac{1}{3}$  of the land was moafee, on which grain was produced for the support of the cultivators;  $\frac{1}{3}$  was sugar-cane, which paid the revenue; and  $\frac{1}{3}$  was the necessary quantity of "pandrah," or land prepared for sugar-cane. This village paid some 9 rupees an acre.

20.—A considerable portion of the Government demand is realized every year from sureties, or by transfers of property; so much so, that the Dakhil Kharg Dufter was generally looked upon in this district as a machine for realizing the revenue.

21.—The last circumstance I shall mention in the attempt to explain "where the revenue has come from" is, that great part of Nujjubabad belongs to talooqdars, who possess estates more moderately assessed in other pergunnahs, and from the produce of which they pay the revenue of these.

22.—But the mismanagement of the officers of Government has sometimes produced effects as fatal as those which produced from over-assessment: in fact they made an assessment heavy, which could otherwise have been borne. In the fifteenth paragraph I named Yusuff Ali Khan. He and his brother Fuzul Ali came into this district many years from the Punjab, and brought some money with them. They applied themselves to the management of land in which they entirely failed: they lost their character, for no peasant will remain in a village held by them: they Shekapoor Alum No. 15 } lost all their  
Leakuq Kallan No. 55 } money, for  
Leakuq Khoord No. 44 } they have not  
Nugla Sumul No. 107 } enough left to  
Mod. Alupoor Burhan No. 4 } pay the revenue of the  
Ibrahimpoor Rabhun No. 47 } current year; but  
Daoodpoor Nunara No. 19 } the severest  
Shurpoor Roveli No. 77 } loss they have  
Khullulpoor No. 7 } met with is at  
Rampoor Chatah in }  
P. Nuggunah No. 150 } tributable to a  
circumstance of the nature above alluded to. The villages noted in the margin were on one occasion leased to Yusuf Ali Khan by the Collector, but the settlement was not submitted for confirmation. The Collector went away on leave, and the acting Collector disapproving his predecessor's settlement, cancelled it, and admitted the moocuddums as malgoozars. Presently the Collector returns, and finding his own arrangements thrown down, forthwith sets them up again: he turns out the moocuddums, reinstates the farmer, and establishes a feud which has ruined the whole talooq. The hostile feelings of the parties had risen to such a pitch, that this year several acres of their own sugar-cane were set fire to by the cultivators themselves. The present settlement has not left to Yusuf Ali and his brother a single village: they, too, readily resigned the leases which they held, and I had seen too much of their management to offer them any new ones.

23.—The mention of Yusuf Ali Khan's resignation has reminded me that all the farmers of pergunnah Nujjubabad resigned their leases; a tolerable proof that the assessments were insupportable. I do not consider it any exception that one, or perhaps two moocuddums have retained their leases at jummas revised within the last few years, and uniformly less than they were before.

24.—Amongst other land holders who have been ruined or injured by their transactions in pergunnah Nujjubabad, are Meer Kumber Ali of Myhinun in pergunnah Kuruthpor, most of whose estates have been mortgaged. Seilehund who managed the Dehek Mehal, and was ruined. The zemindars of talooqa Bhud-dowla No. 3 who have alienated nearly all their villages for the payment of the Government revenue. The zemindars of Surraee alum who are no better off with a multitude of moocuddums, and farmers of single villages with whose names and circumstances I am not so well acquainted, nor, were it otherwise, would there be any use in enumerating them; enough has been said to show that the Pergunnah under settlement, required relief, and when I reflect on what I have written, it appears wonderful to me how the proposed Jumma of 1222 Fussly . 83,230 }  
Ditto of 1213 Fussly . 80,450 } have reached  
Proposed Jumma for 1214 or 1st year of new settlement . . . . . 73,437 } to 74,774 Rs.  
Highest Jumma of proposed settlement . . . 74,774 } even with the  
assistance  
derived from  
another Pergunnah, and  
from the resumed Moafce land. My  
assessment in  
Nujjubabad  
must have  
been higher  
upon the  
whole than  
in any Pergunnah previously settled. After  
all the assessments  
had  
been fixed there were 23 proclamations inviting offers from farmers. In Daranugger there was only one, in Mundawar four, in Kuruthpoor six, in Jhalloo three or four, in Ukhburabad, since settled, about the same number as in Jhalloo.

Decrease.  
In amt. calculated on highest Jumma. . . . 5,676  
From Perg. Nuggunah 2,163  
Two entire unregistered Moafce villages. . . . 120  
1786 acres of resumed Moafce at 2 Rs. p. acre 3572  
Total. . . 11,531

If the comparison be made between the late Jumma and the Jumma of the proposed settlement the difference will be. . . . . 12,958

25.—The immense tract of forest lying north of the cultivated lands of pergunnah Nujjubabad has not been measured either professionally or by the native mootsuddes of the surveyor. The rukba recorded in the state ments has been supplied by the Canoon-goes dufter and by rough measurements effected by the pergunnah officers. It is not of consequence at present whether the tract contains one, or two lacs of beegahs. For the information of the Board I annex to this report a copy of a sketch prepared in 1827 by the Hon'ble Mr. Shore; I do not know whether the Board have a copy of the professional map of the district.

26.—The several portions of the jungle, called mowzabs, seem to have been attached to pergunnahs Nujjubabad or Nugguna without the slightest reference to their locality. I have marked in the map the site of Rampoor Chatah, a Nuggunah village, partly cultivated, but in the depth of the forest not far

from the north eastern frontier of the district. In furtherance of a plan for reclaiming those wastes it was necessary to give them a well defined boundary (in which matter more will be said) and therefore with advancement to the instructions formerly issued on this subject, bearing date 24th December 1833, I moved a number of villages from Nuggunah into Nujjubabad. The change is merely nominal, the villages, so to call these tracts, which have been transferred, are distinguished from the rest in the general statements number three and four. The Gangun Nulla from the spot at which it enters the forest above Buddowlah, separates the two pergunnahs Nuggunah and Nujjubabad, and the forest to the north of the latter now formed into a compact mehal, has been entrusted to the management of one individual.

27.—Amidst all the ruin and distress which surrounded me at Nujjubabad, it was a relief to meet with one man who seemed to enjoy the prosperity which his good conduct deserved. In my report on Keeruttpore I have already mentioned the Mahajun Nundo Kishore, and I only repeat what I heard myself when I say that hundreds in this pergunnah also mention his name with blessings. The moccudum whose well furnished farm had been reduced to one plough, and one pair of bullocks would tell me with an air of contented resignation that he was certainly ruined and in debt, but that Nundo Kishore was his mahajun. The late inhabitants of a deserted village would declare with one accord their intention to return if the land were leased to Nundo Kishore. I am not led away by admiration of an imaginary character: this is what I saw and heard myself, and until it is shown to be untrue, Nundo Kishore is entitled to the reputation which his actions have obtained for him.

28.—To this "man of Ross" I have leased the forest for 20 years. The tract made over to him is bounded on the west by the Ganges, east by the Gangun Nullah as far as its source, and thence by an imaginary line drawn direct to the foot of the hills: the southern boundary is defined by the professional survey of the cultivated lands which lie on the borders of the forest: and the northern limit is the boundary line of the district.

29.—These limits comprise lands in which the proprietary right is acknowledged to belong to other Zumiudars. Rau Himnuthsing has some portions; some were purchased by the late Nuwab of Nujjubabad, and some belong to Government. It gave some trouble to preserve the integrity of the forest mehal without disregarding the rights of others, but after a little adjustment the matter was arranged to the satisfaction of all parties. No claim of any kind which came to my knowledge as connected with this arrangement has remained unsatisfied, except the one herein after noticed.

30.—In addition to the forest of Nujjubabad, the farm of the jungle produce in Puttu Odeypoor has been given to Nundo Kishore. It was long ago agreed upon by the local

authorities in this part of the country, that whoever collected the forest dues in Nujjubabad should also collect those of Puttu Odeypoor. This mountain or the tax on its produce, or the right of collecting that produce was made over by Mr. Trail to Mr. Halhed in 1824, and afterwards was annexed to Dehra-doon with Puttu Chandnee, (see sketch) in February 1827; the Hon'ble Mr. Shore retransferred to the N. D. Moradabad, "the collections on jungle produce of that part on Puttu Odeypoor to the south east of the Rawasun Nuddee." The terms certificate—duties, chookies, right of search, used in Mr. Shore's letter of the 20th February, 1827, apply only to a tax upon the transit of goods, and as such should not have been included under the head of land revenue, I have left it as I found it, not considering it a matter in which I was authorized to act; but were I not fearful of injuring the farmers of similar cesses on other parts of the frontier of Rohilcund, I should earnestly recommend that this inland transit duty be remitted altogether. The subject cannot be discussed in this place, but should it attract attention, I shall be too happy to furnish any information which the records may supply, or which my local position may enable me to gather.

31.—These collections from Puttu Odeypoor, and the forest of Nujjubabad, including some patches of cultivation, from what is generally known as the "Diyek Mehal." The present farmer is Mujlisroy whose lease has several years to run. The union of Puttu Odeypoor, with the forest in the plains, has assisted in altering the character of the collections on the produce of the latter. Mr. Halhed on the 2nd October 1823, tells Mr. Trail that "these are not transit duties, but the fixed price at which the land holder disposed of a part of the produce of his estate." Mujlisroy looks upon the mountain and the forest as identical so far as he is concerned. His collections from both are made principally in the town of Nujjubabad, and his line of chowkees runs between the borders of the forest, and the cultivated lands of the pergunnah—nor does Mujlisroy consider himself as merely the farmer of a tax, the malgoozaree of several villages forms part of the jumma of the "Deyek Mehal," and at the same time there are portions of the forest in which other persons claim and exercise zemindaree rights. The limits within which the several parties exercise their respective rights as well as the rights themselves are ill defined; constant disputes have been the consequence. He is half a land-holder, and half a farmer of transit duties without knowing when or where each character begins and ends; he had no authenticated list of the articles upon which his tax is to be levied whilst my office furnishes *five*, all disagreeing with each other: he considers every thing which passes through the jungle to be jungle produce, he claims the right of pasturage and wood cutting in mowzahs (or portions of land with names) the malgoozaree of which is paid by others, and he is accused

of extending this right in practice to the cultivation itself.

32.—This did not appear to me a healthy state of things. The mixture of Nuggunah and Nujjubabad villages; the nature of Mujlisroy, ill defined rights, the frequent disputes between the cultivators, and the grazers, the traders and the contractor, and experience of the past, held out no hopes of the re-establishment of the villages which had once existed or even of the increase of cultivation. In addition to this, Mujlisroy himself declared, that it was no part of his intention to attempt anything of the sort; that the jungle would not allow people to cultivate, and that the climate would not permit them to live, &c. &c.—all of which only proved that he was a very unfit person to be trusted with such an extent of territory. He had been kept in possession of the Deyek Mehal for the last year and a half without security, because I fancied, not without very good reason, as I learnt at the settlement, that an attempt was being made by all the native functionaries to turn him out in favor of another party; but when the settlement came on which was to remain in force twenty years, I informed Mujlisroy that I could not take upon myself the responsibility either of keeping him in possession without security, or indeed of maintaining at all a system which promised no beneficial results whatever. I explained to him my plan, and expressed myself willing to retain him as farmer of the forest Mehal, if he could furnish such security as I insist upon having from all speculators or persons unconnected with the land they manage. He assured me that the climate had changed so entirely since the cession, that no hope of re-establishing the abandoned villages could reasonably be entertained, and then he failed in procuring security.”\*

33.—Upon this I turned my attention to Nundo Kishore, who seemed to unite in himself all the requisites for the duty I wished him to perform. 1st. He possessed capital. 2ndly. He had long been familiar with the management of land. 3rdly. He had already restored some ruined villages on the other side of the water; and 4thly. His name would induce many persons to try the forest who would otherwise have been deterred by the bugbears of Mujlisroy.

34.—The forest Mehal then, together with the collections from Puttu Odeypoor, has been entrusted for 20 years to Nundo Kishore. He pays the present assessment, and is to reap the whole profits of re-established village, and increased cultivation. If the Government think these terms too favourable for the other party, they must nevertheless submit, or find more active speculators, who might proceed as some are now doing in Gorukpoor. None such are to be found in this “ultima thule” of Hindostan, or I would have made the most of them; but Government has a right. Though yet unproductive, for so long a period,

I hope for the restoration of the tract in some degree to its former state, and the improvement of it is an express condition of the tenure of Nundo Kishore. As he would consent to no increase of jumma, I required him to provide at least against the possible contingency of the land being thrown upon the hands of Government at the expiration of the 20 years in no higher state of cultivation than it is at present; and a clause was accordingly inserted in his agreement, authorizing the collector to examine into the condition of the forest Mehal at the expiration of every 5 years, and with the sanction of the commissioner, previously obtained, to confiscate the tenure, if it should appear that the farmer had not fulfilled his part of the agreement. This is vague; but the farmer distinctly relying upon the justice and judgment of a high public functionary conceives unnecessary any more particular specification of his liabilities.

35.—As far as concerns the forest, i. e. within the limits of the district, the name of Deyek has been discontinued. The farmer pays 2 per cent malikanah, as an acknowledgment of the zumindaree right in certain cases, but in every respect his possession in the forest is recorded as precisely similar to that of a zumindar (not malgoozar only) in his cultivated village. The tax on a cart load of grass or wood now becomes its price, which the farmer may raise or lower at his pleasure: the same nominal charge will extend over every article of jungle produce, but nothing like a transit duty remains; the road is open: and it will be the farmer's business to take care that people do not cut his trees or collect his wax, and pretend that they came from some other quarter. This does not apply to Puttu Odeypoor, which remains in its former position, as stated in paragraph 30, with this exception, that I have supplied him with a list of articles (copy of which is annexed) upon the transit of which from Puttu Odeypoor into pergunnah Nujjubabad he is entitled to collect certain fixed rates. It is to be understood that I have exercised no discretion in fixing either the kind of article, upon which the duty shall be levied, or the amount of the duty: these remain as I am supposed to have found them; I have merely defined the rights of parties.

36.—If Nundo Kishore succeeds, I anticipate very great improvements in the police of the forest. I am afraid that we know very little at present of what goes on there.

37.—It is almost superfluous to repeat the names of the principal zemindars of Nujjubabad as they have all been named before in the report on pergunnah Keerutpoor. Rau Himmuthsing, whose hereditary place of residence is at Sahunpoor, holds the proprietary right of half the pergunnah. The same system has been observed as that which seemed to succeed well in Keerutpoor, moccuddums who had by long custom established a sort of right to the management of their villages were retained, without enquiring whether the zemindars agreed to the jumma or not; and to this he made no objection whatever. Villages

\* He subsequently resumed his lease.

cultivated by pykasht ryotts, or by turbulent characters, or which required the outlay of capital, and the exercise of skill, were entrusted to other hands, the zemindar receiving 5 per cent malikana from those villages of which he had not held possession and 10 per cent if for any reason he was set aside. But all this was done with the zemindar's consent, otherwise it might have been necessary to revive an obsolete doubt whether he ought to be entrusted with the management of his estates at all. Those villages for which Himnuthising has engaged are assessed by himself. He gave me a list previous to the settlement in which he named the jummas he was willing to pay for each mowzah; if I disagreed with him as to the suitableness of the amount, I was at liberty to do what I pleased with the village.

38.—The Mooftee Abdoulla has a few villages which have been settled separately, not as his talooqa in Kuruthpoor was assessed.

39.—The heirs of the late Nuwab of Nujjubabad possess a few lightly assessed villages. They were rather impracticable, although I desired with reference to their painful situation to treat them with the utmost consideration. They were with difficulty persuaded to record a real name in the ikranamahs, but at length consented to the insertion of their own; in return for which condescension their letters were received as mookhtar namahs: they were recorded as entitled to be addressed by letter, and not by perwanahs, and all orders from the criminal Court which their connection with the land might make it necessary to issue, were to be addressed to their servants. All of which was stated in a roobakaree containing the memorandum that any observable irregularity of process having been admitted at their request, could no hereafter be urged as vitiating the proceedings; a copy was sent to them for their information, and they were requested, in case they viewed the matter in a different light, to communicate their objections to me. If the Sudder Board think it indispensable to adhere more closely to the forms of office, they will issue the necessary orders.

40.—There was a mehal called the Baghut mehal from its being principally composed of land upon which Yrus stand, or did once stand, which was formed out of portions of many villages; in one mowzah 20 beegahs belonged to the Baghaut mehal, in another 30 and so on. I re-united these lands to the estates to which they properly belonged, and the Baghaut mehal has ceased to exist.

41.—Many more Moseedeers have come forward to engage for their lands than did so in Keerutpoor. The moafce thus left with them was assessed at half the revenue rates, and every one took it who pleased. It is to be remembered, that when "the value at revenue rates" in form No. 2 is swelled by the resumed rentfree lands, it is likely to mislead, as the moafce may have been assessed at half rates, though the amount has been computed at full rates.

42.—The professional survey has been corrected as usual wherever they had measured two or more zumindarees in one mass. After all the correspondence which took place during the rains, no parties have ever appeared according to agreement to complete the measurement of the pergunnah Nujjubabad. The boundaries were all marked off, and every thing was ready, but no one came, and I could not wait. I had particularly informed the surveyor that mowzah Juswunthpoor, Meerpoor Dongoo and Rampoor Mungul might be surveyed professionally, for I was anxious to extend this valuable record as far as possible. The Persian measurement is a matter of no importance.

43.—No other part of the settlement occurs to me as calling for remark in this place. Individual cases are noticed in the English forms No. 2. The record has been prepared in conformity with the instructions which have been issued, and is, I believe, complete.

44.—Although he decrease the lease of the forest which has been given, and the mistaken estimate of the capabilities of the northern class of villages, are matters which will demand some deliberation, I nevertheless submit the settlement of Nujjubabad with more pleasure than I have ever submitted one before in these provinces. I am confident, that hundreds, if not thousands, will be benefitted by it, and even if the Board should deem the revision of any part of it unavoidable, I trust they will allow it to take effect whilst such revision is being carried on. Nothing can possibly be worse than the present state of things, and I fear I must record my apprehension that the mischief which will be done this year by the farmers who resign their leases, will seriously affect the success of the settlement which has just been concluded.

I have, &c.,

(Signed) H. LUSHINGTON, *Collector*.

7th May, 1836.—*Agra Ukhbar*.

## HINDOO CHRONOLOGY.

We have already placed before our readers, as specimens, some extracts from Mr. Marshman's history of India, lately published, and have accompanied them with a few general and cursory remarks. But the History of India, particularly that portion of it which

belongs to the period prior to the conquest of the country by the Mahomedans, requires much more examination than it has yet undergone. The separation of credible facts, from that mass of mythological fiction and poetry, with which later writers have clouded



the clear light of history, as imparted by the more ancient Hindoo authors, does not seem yet to have been accomplished. We do not pretend to say, that we are able completely to remove every obscurity from this subject; but we think we can throw in a ray of light, by which those who have more leisure and superior talents and information, may see their way into the ancient history of this interesting country. This is the duty of the historian. It is not enough to point out the difficulties which present themselves in his way. He must meet them face to face, and endeavour to remove them by laborious research. In the extracts we made in our last, these difficulties have been fully enumerated by Mr. Marshman. He has, however, not attempted to remove them; he has rather allowed them to remain where he found them, and has pursued his object by stepping aside, and following a different course. Mill, who before him attempted to write the ancient history of India, also found the same difficulties, and left them unremoved. The following extract from his work shews the small degree of light he has been able to throw on the subject:—

“The wildness and inconsistency of the Hindu statements evidently place them beyond the sober limits of truth and history; yet it has been imagined, if their literal acceptation must of necessity be renounced, that they at least contain a poetical or figurative delineation of real events, which ought to be studied for the truths which it may disclose. The labour and ingenuity which have been bestowed upon this inquiry, unfortunately have not been attended with an adequate reward. No suppositions, however gratuitous, have sufficed to establish a consistent theory. Every explanation has failed. The Hindu legends still present a maze of unnatural fictions, in which a series of real events can by no artifice be traced.”

This sort of declamatory censure, we cannot respect: instead of complaining against the crude materials which he found, and obscuring the light of truth by bringing them prominently into view, he ought to have pursued his researches with more patience, and, like the historians of Europe, endeavoured to discover from the redundant mass of materials, those that could be of use in the construction of the edifice he was about to rear. In the present article, it is our intention to examine the chronology of the Hindoo Shastras; in regard to which both Mill and Marshman appear to be not a little perplexed.

These authors, following the Pooran, verbatim, et literatim, assign to the four great divisions of our chronology, the following number of years, viz.

To the Satya yug is given.....	1,728,000
To the Treta.....	1,296,000
To the Dwapur.....	864,000
To the Cali.....	432,000
<b>Total years.</b>	<b>4,320,000</b>

The duration of human life is also given in the Pooran, according to the scale adopted in regard to the duration of the four yugs, viz.

To the people of the first, is assigned,.	100,000
To those of the second,.....	10,000
To those of the third,.....	1,000
To those of the fourth,.....	100

The lives of the ruling sovereigns, during the four yugs, are also on the same scale; which the following extract from Mill, will fully explain.

“Satyavrata, otherwise denominated Vaivaswata, and also the seventh Menu, had escaped with his family from an universal deluge, which had destroyed the rest of the human species. He prolonged his existence and his reign through the whole period of the Satya yug, or 1,728,000 years. From this patriarchal monarch are enumerated, in the solar line of his descendants, fifty-five princes, who inherited the sovereignty till the time of Rama. Now it is agreed among all the Brahmuns that Rama filled the throne of Ayodhya at the end of the Treta yug. The reigns, therefore, of these 55 princes, extending from the beginning to the end of that epoch, filled 1,296,000 years, which, at a medium, is more than 23,000 years to each reign. During the next, or Dwapur yug, of 864,000 years, twenty-nine princes are enumerated, who must, at an average, have reigned each 29,793 years. From the beginning of the present, or Cali yug, to the time when the race of solar princes became extinct, are reckoned 1,000 years, and thirty princes. There is a wonderful change, therefore, in the last age, in which only thirty-three years, at a medium, are assigned to a reign.”

The enquirer into the history of India might well wonder, at this great change in the duration of life, from about 30,000 to 33 years. But the expression of wonder can be of no service in removing the difficulty which is presented: he must go further and examine, whether there are not ways and means of reconciling these apparent inconsistencies. The first glimmer of light, which flashes on our observation, is the remarkable coincidence, between the proportion which the age of man, in the Satya yug, bears to the age of man in the Cali yug, and the proportion which the lives of the sovereigns of the Dwapur, bear to the lives of the sovereigns, who reigned in the Cali. The average lives of the sovereigns of the Dwapur, as given in the above extract, are nearly 30,000 years, and those of the Cali about 30; whilst the common age of man in the Satya yug is given at 100,000 and in the Cali at 100. Now, the proportion between 100,000 and 100, the average duration of life, is the same as between 30,000 and 30, the duration assigned to the lives of the sovereigns. This coincidence, we confess, does not throw any direct light on the problem of Hindoo chronology; but it shews, that by means of such coincidences the problem might be solved. We shall therefore prosecute the enquiry.

The authority of the following text is universally admitted among Hindoos,

তেন স্মৃত্যন্তর বিবোধে মনুস্মৃতির গুহ্য  
অতএবোক্ত মনুধৰিপৰিতায়। সা স্মৃতি  
প্রশস্যতে। বেদার্থোপনিবন্ধতঃ পুথান্যং হি  
মনোঃ স্মৃত্যং ॥

This rendered into English, means—  
“Whatever Shritee is contrary to the opinion of Menu is not respected; because the doctrines of Menu are taken from the Vedas, and are therefore superior to every Shritee.” This being the case, we are bound to consult Menu as a higher authority before we can come to any conclusion on the subject. Now,

on examining this authority, we find the following passages. (Vide 67 to 71 verses, of the 1st chapter, on the creation.)

67. A year of mortals is a day and a night of the Gods, or regents of the universe seated round the north pole; and again their division is this: their day is the northern, and their night the southern, course of the sun.

68. Learn now the duration of a day and a night of BRAHMA, and of the several ages, which shall be mentioned in order succinctly.

69. Sages have given the name of *Crita* to an age containing four thousand years of the Gods; the twilight preceding it consists of as many hundreds, and the twilight following it, of the same number:

70. In the other three *ages*, with their twilights preceding and following, are thousands and hundreds diminished by one.

71. The divine years, in the four human ages just enumerated, being added together, their sum, or twelve thousand, is called the age of the Gods.

These passages afford clues for the solution of several problems; but we shall, for the present, confine ourselves to the numbers assigned to the four yugs. These put in figures are as follow:—

To the Satya yug is assigned.....	4,800
To the Treta.....	3,600
To the Dwapar.....	2,400
To the Cali.....	1,200
<b>Total years</b>	<b>12,000</b>

But this, so far from contradicting the statement given in the Pooran, will be found, after some calculation, to confirm it. We have already seen that the total of the four yugs, as given in the Pooran, is 4,320,000. Now, this is the product of 12,000 multiplied by 360. Thus  $12,000 \times 360 = 4,320,000$ . Here, then, is a coincidence which ought to make the enquirer into our chronology pause ere he pronounces the whole to be a tissue of extravagant fiction. The multiplier 360 is by no means an insignificant amount: it is the number of days required for the revolution of our planet round the sun; which circumstance, no doubt, led the mathematicians of all ages and countries to divide the circle into 360 equal parts. To the same cause, we may refer the number of degrees assigned to the latitudes and longitudes by which all geographical and astronomical calculations are made. Hence it is clear that the chronology of the Hindoos, as developed by the four yugs, is founded on the universal datum afforded by the number 360. It must, however, be explained why the writers of the Pooran multiplied the period assigned by Menu by 360.

From the passages of Menu above quoted, it is evident that he was well acquainted with the length of the period during which the sun, owing to the inclination of the earth's axis to the plane of the equator, continues visible in the polar regions, and that during which he is continually absent from those parts. These two periods, every one knows, is comprised of the 360 days the period of the earth's revolution round the sun. Whilst the sun is vertical in the northern hemisphere, he is continually visible in the polar regions, and the contrary effect takes place when he is

vertical in the southern hemisphere. The twilight alluded to by Menu is the glimmering of light perceived in the polar regions, when the sun is vertical on or very near the equator.

But in the 67th verse a year of the mortals is called a day of the gods; that is to say, a day of the gods contains 360 of our days. Hence the writers of the Pooran thought proper to multiply the years given by Menu by 360. They, however, forgot, (and Menu had not informed them on the subject) that though the sun is continually visible for half the year in the polar regions, yet by his apparent circular motion, caused by the rotation of the earth on its axis, and completed exactly in the 24 hours or the *Horas* of the Sangserit, which is equal to 60 Dundos, he even there indicates the same divisions of time as at the equator or any other part of the globe. If this fact had been noticed by Menu, and the writers of the Pooran, a day and night of the gods, instead of being supposed to contain 360 of the days and nights of mortals, would have appeared precisely the same. Here then is the first cause which led the writers of the Pooran to multiply the 12,000 years given by Menu by 360. We shall not, of course, follow them; but give a different explanation, which will lead to reasonable conclusions. The Zodiac, or the course of the earth round the sun, which is performed in 360 days, every body knows is divided into twelve portions, called the 12 signs of the Zodiac, or, according to the Hindoos, the 12 Raashes. These divisions, with their respective names, are the same in the European as in the Indian astronomy, and appear to have been derived from the same source. Had our astronomers, like those of Europe, confined these divisions to the Zodiac alone, all would have been right. But they went further, and divided the period required for the rotation of the earth round its axis into twelve portions, giving to them the names of the twelve signs of the Zodiac. The following table shews the divisions of the day and night five alluded to.

		Dundos	Pals.
মেঘ	Aries.....	3	47
বৃষ	Taurus.....	4	17
মিথুন	Gemini.....	5	6
কর্কট	Cancer.....	5	40
সিংহ	Leo.....	5	41
কন্যা	Virgo....	5	29
তুলা	Libra..	5	29
বৃশ্চিক	Scorpio....	5	41
ধনু	Sagittarius..	5	40
মকর	Capricornus....	5	6
কুম্ভ	Aquarius..	4	17
মীন	Pisces.....	3	47
		<hr/> 60	<hr/> 9

These are the 60 Dundos into which the Hindoos dividèd their days, and all their astrological and astronomical calculations refer to these, divisions and the 12 Raashes, which circumstance led our ancient writers to confound the divisions of the day and night with the divisions of the year, and to place the number of Raashes in each day, which is 12, in the place of the day itself. If these premises be admitted there will be no difficulty in coming to a satisfactory solution of the problem of the Hindoo chronology. But before we go into the calculations and reasoning which will bring us to this satisfactory solution, it ought to be premised, that the above remarks apply exclusively to the first three yugs, and that the Cali, for reasons which will be explained hereafter, must for the present be left out of the consideration. Now the years assigned to the first three yugs are as follows:—

Satya yug.....	1,728,000
Treta.....	1,296,000
Dwapur.....	864,000
	<hr/>
	3,888,000

If this sum, according to the explanations given above, signify so many  $\frac{1}{12}$  of the period of the earth's rotation on its axis, instead of so many days or years, then it ought to be divided by 12, the product of which will be  $(3,888,000 \div 12 =) 324,000$ . But this sum, instead of being considered as so many years, must be taken as so many days, and in order to be reduced to years must be divided by 360. Thus  $324,000 \div 360 = 900$ . This 900 is therefore the only period which ought to be assigned to the three first yugs. These explanations not only reconcile the Pooran with Mennu, but bring them both within reasonable limits, and what is most extraordinary, reconcile the sum with the chronology given in the Jewish Scriptures, as will be fully explained below.

But whether we grant the above premises or not, there is another method of calculating the periods assigned to the first three yugs, which will bring us to the same conclusion. The sum assigned to the Cali yug, viz., 432,000 must be taken as the common divisor of the sums assigned to the first three yugs, and the total of the three products, which will be obtained by this operation, will be 900, thus:

	Cali yug.
Satya yug...1,728,000.....	$\div$ 432,000 = 400
Treta yug...1,296,000.....	$\div$ 432,000 = 300
Dwapur yug... 864,000.....	$\div$ 432,000 = 200

Total....3,888,000  $\div$  12, = 324,000  $\div$  360 = 900

With this calculation the number 900 is obtained first by dividing the numbers of the Satya, Treta and Dwapur, by that of the Cali, and adding together their different products; and secondly, by dividing the total of the three first yugs by 12, and its product by 360. These two methods of calculating, by which we arrive at the same result, viz., 900, should

not be lost sight of; for each of them solves several of the problems which yet remain unexplained. But these we shall notice afterwards: let us now, with the help of the 900 years, proceed to reconcile the Hindoo with the Jewish chronology. The period assigned to Cali yug, it will be borne in mind, is the common divisor of the periods of the other three yugs, and therefore stands in a situation very different from those which the other yugs occupy. This at once shews that the number assigned to the Cali, is essentially different from those of which the other yugs are composed. In fact, whilst the others are subjected to repeated arithmetical tests, the numbers of the Cali are taken as they stand; which is the reason why, in the above calculations, Cali was not included with the first three yugs. We shall not disturb this order. Now from the commencement of the Cali to the present time there are 4,937 years, which added to the 900, the years of the three past yugs, gives a total of 5,837. This then is the real period which we discover, by the Hindoo chronology, as having intervened between the universal deluge of Satyavrata, mentioned in one of the above extracts, and the present time. The age of the Cali yug, viz., 4,937 years, is discovered in the following manner. In the Christian Scriptures (vide Apocalypse, Chap. XVII. ver. 5.) there is a mysterious description of something very abominable represented under the figure of a woman, who is stated to have written on her fore-head a name, which is "a mystery—Babylon the great." This mysterious word, according to certain numbers which is said to belong to each letter or syllable of it, modern writers have attempted to explain, some applying it to the Pope of Rome, others to Napoleon Bonaparte, and so on,—things with which we have no further concern, than that we find an analogous mysterious application of figures, to certain names and letters among our astrologers and astronomers. In fact, even to the present time, all sorts of religious, ceremonial, and astrological communications between Pundits, are carried on in the same mystical form, instead of in plain language. Accordingly the age of the Cali yug is imparted to us in the following mystical sentence:—

শতক নব্বাশ্ব কৃষ্ণবৃকঃ

কনৈর্ভূত্যঙ্গগোয়ুগস্য

What follows is an analysis of the above.

নব Nub, means..... 9

অগ Agn, means Mountains, of which

Hindoo geographers reckon..... 7\*

ইন্দ Indoo, means the Moon, which is but 1

কৃষ্ণ Crishann, means fire, of which, according to our Shastras, there are three sorts, therefore this word stands for..... 3

\* In the Apocalypse, chapter XVII. ver. 9. "Seven Mountains" are mentioned as the place "on which the woman sitteth."

The mystical sentence states that if the numbers of these words be arranged in a consecutive order, beginning from the last and going back to the first:—thus 3-1-7-9, and be added to the current year of the era of Rajah Shakoditto, which is now 1,758, the age of the Cali yug will be obtained. Therefore  $3,179 + 1,758 = 4,937 + 900 = 5,837$ , the period between this time and the deluge of Satyavrata. The Jewish scripture chronology, as commonly received, assigns to the world 4,004 years before the Christian era, but on this point European chronologists are by no means agreed. There have been many opinions on the subject. But those most respected are of Dr. William Lloyd, Bishop of St. Asaph, who fixes the period at 4,004, and the other of Archbishop Usher, who, following the computation of the Hebrew Bible, fixes the creation of the world at 4,000 years before the birth of Christ. We shall take the mean between these two authorities and say, that the number is 4,002, which added to 1836, the present year after Christ, gives the total of 5,838 years for the age of the world. The difference of 1 year we are not yet able to account for: it might result from some mis-calculation, or want of accuracy, or some fractional difference similar to those by which the number of days vary in the leap years, or it may be, owing to the Christian and the Bengal years commencing at different periods of the zodiac. But be this as it may, the approximation of calculations, derived from records so different from one another as the Jewish Scriptures and the Hindoo Shastras, is so great as to leave no doubt on the mind that the Jewish and the Hindoo chronologies reciprocally confirm one another, and point to one source as the origin common to both. There is another verbal discrepancy which here remains to be reconciled. The Hindoo chronology commences with a deluge, and therefore pre-supposes a former existence of the world, and the Jewish chronology assigns the same period to the creation. It is not our business here to enquire whether the world existed before this 5,838 years: it is quite sufficient for our present purpose that that period was the commencement of a new state of existence. In this we have shewn both the Hindoo and the Jewish chronologies to agree; and having accomplished this, we believe, we have done all that we at the commencement of this article proposed to do, viz., that notwithstanding the difficulties pointed out by Mill and Marshman, we were able, so far as our limits permitted, to trace the period of past ages with some certainty even by means of the Hindoo Shastras; and to shew that there is nothing extravagant in them regarding chronology.

There are, however, some other points connected with this subject, which we shall take the present opportunity of examining. The first is a statement by Mr. Marshman (vide page 3) that "with the exception of the history of the Jews, if the sacred records, the authentic annals of no ancient nation extend more than two thousand eight hundred years

beyond the present time." The annals of Hindoo records, we have seen, extend to the same length as those of the Jews, viz., 5,837 years. These annals, so far as chronology is concerned, have been proved authentic; at least in regard to Mr. Marshman, who asserts the authenticity of the Jewish records, the agreement of those records, and the chronology of the Hindoos must be taken in favor of the latter as an argument *ad hominem*, refuting the statement set forth by him in the above quotation.

Whilst explaining the agreement of the Hindoo and the Jewish chronologies, we requested the reader to bear in mind the two different methods of calculation by which we obtained the number 900. In the first we divided the numbers of the Satya, Treta, and Dwapur by that of the Cali, and thus placed the latter in a situation different from those of the former, the sums of which were not taken for years without this process of division, whilst that of the latter was taken for years as it stood. Had Mill taken the trouble to go through these calculations, he would have had no cause to wonder at the apparent great difference he found in the duration of the lives of the sovereigns, who reigned in the first three yugs, and those who reigned in the last, which appeared to be nearly as 30 to 30,000.

The products obtained by dividing the sum of the three first yugs by that of the Cali, was as follows:

Satya gave.....	400
Treta.....	300
Dwapur.....	200
	<hr/>
	900

Now these are the periods which we find in Menu assigned to the duration of human life in the three first yugs respectively. Coollok Bhut, his commentator, however, states, that the life of man is stated in the Veda to be only 100 years.

अथयुव पुरुषैर्दित्तः

The 2nd passage of the Ishopanishad, one of the chapters of the Yajur Veda, also mentions the life of man as extending in general only to 100 years. It will be recollected that in another part of this article we quoted a text from the Shastras in which the authority of Menu is preferred to all other authorities. The reason assigned for this preference was that the doctrines of them were taken from the Vedās. Hence it is clear that all the respect paid to this author arises from the Vedās, and that, therefore, should there be any thing even in Menu contrary to the Vedās, the latter authority must be preferred to the former. Now we have seen that the Vedās assign only 100 years to the duration of human life. Therefore we must follow their authority notwithstanding the statement of Menu. From these circumstances, we conclude that the above sums refer rather to the duration or life of the yugs than to that of human beings. The

supposition is further confirmed by the circumstance that the calculations made above give for their result the same 900 ;—a coincidence which shows, that the whole refers to the divisions of time, based on the double motion to which our planet is subject. This view of the question proves that the Hindoo records, instead of giving an extravagant account of the lives of men of former times, do not, in this regard, go even so far as the Jewish records of the antediluvian period, in which several hundred years are assigned to the life of man.

The facts we have here illustrated, appear to us capable of eliciting other truths and of throwing much more light on the ancient history of India, than we have been able to afford. In support of this assertion, we shall notice one circumstance for which, we confess, we are not yet able to account. 900, which is the result obtained by two different methods of calculation, one by the period assigned to the yugs, and the other by the natural divisions of time, has more to do in this matter than we have yet seen. Let us take from 900 the two odds, and we have the number 9, of which the sum of every one of the yugs appears to be comprised. To illustrate this we must also deprive the numbers assigned to the yugs of the odds they contain, when they will stand thus :—

Satya yug.....	1,728
Treta.....	1,296
Dwapur.....	864
Cali.....	432
	<hr/> 4,320

The following table shows at one view how much the number 9 has to do with these calculations.

Satya yug... ..	$1+7+2+8=18 \div 2=9$
Treta.....	$1+2+9+6=18 \div 2=9$
Dwapur....	$8+6+4=18 \div 2=9$
Cali.....	$4+3+2=9 \div 1=9$
	<hr/> $4+3+2+0=9 \div 1=9$
	<hr/> $7+2=9, 4+5=9$

Here we have the Cali yug, in a situation similar to the others, all of which, whether taken separately or conjointly, or by their products, develop a most remarkable arithmetical harmony in the number 9, which, it will be recollected, with the addition of two

odds, furnishes the datum on which the Hindoo and the Jewish chronologies have been seen to correspond. *Nabu*, which, as shown above, means 9, is also the first number in the mystical sentence affording the age of the Cali yug.

That these numerous coincidences are the result of mere chance we cannot persuade ourselves. The number 9 must be the key to some further calculations and other astronomical facts which we have not been able to trace out : but which others, who are better versed in the science of figures and astronomy, and have more leisure to examine the subject, may be able to discover. We, therefore, hope someone will come forward to clear up the mist which yet hangs over the subject.

From what has been said, it is clear, that the periods assigned to the several yugs are not, as Mill and Marshman would make us believe, the flights of imagination in a rude state of society, when men were fond of the marvellous, and exaggerated every thing to extravagant and absurd dimensions, but the sober results of elaborate calculations, performed not by ignorant but well informed men—not under the influence of the genius of poetry, but under the guidance of cool reasoning and mathematical demonstrations. It is not fair for the historian, who has not thoroughly examined the subject he ventures to write upon, to treat with contempt and ridicule the wisdom of the ancient sages. Both Mill and Marshman were, no doubt, aware of the mystical form in which communications of the kind under consideration are made by the Pundits even to the present time. Knowing this, they ought to have paused before they ventured upon taking the numbers they found in the Pooran in a literal sense, and condemning the whole as a mass of absurd and extravagant exaggerations, unintelligible to common sense, and unexplainable by any “artifice.” In the whole course of the explanations we have given on this subject, we do not think we have in any place used artifice, or built our arguments on untenable ground ; yet the result clearly shows that the chronology of the Hindoos and the period assigned to the life of man in the Shastras, are not extravagant, but within the compass of common sense, and the same as daily experience teaches every man that has taken the trouble to study the laws of nature, hourly declared by the universe.

## SKETCH OF PROCEEDINGS IN GOOMSOOR.

Agreeably to promise we now commence a sketch of certain proceedings in Goomsoor, from the period the troops first took the field up to the close of the last campaign ; and in which sketch we shall endeavour to establish the following points :—

1st That the force first arrived in Goomsoor, was numerically unequal to operations,

whose scale and duration, within wide limits, necessarily depended upon accidents beyond control.

2d. That this force was brought up to act, and to suffer in detail.

3d. That it was ineffectively, and unfortunately, handled in the field.

4th. That the arrangements for the supply of provisions, necessaries, field comforts, and carriage, were incredibly defective.

And 5th. That Sanitary provisions, the necessity for which upon an extraordinary scale every circumstance combined to indicate, were wanting in a degree rarely paralleled in the history of war.

The two first of these points demand but brief space; the fourth and fifth may also perhaps, be disposed of at no great length; but the third item necessarily requires detail. We shall endeavour to condense this detail as much as possible, and by seizing on the more salient points and narrating only the more piquant incidents, to render the narrative a tolerably readable tale. A Military history, consistent with the strictest detail of facts, need not be dry, and should it prove so on this occasion, it will be ourselves rather than the subject that is at fault.

1st. Then, as to the numerical strength of the force.

The first brigade, which entered Goomsoor rather more than twelve months ago, consisted of two battalions and three companies of infantry, and a company of artillery. The force ultimately brought into the field in the first campaign, amounted to within one company of the strength of seven battalions of infantry, with artillery, (reinforced in officers, men, and guns,) and a section of cavalry. Again, the force which is now being arrayed to renew operations, amounts to within a company of the strength of eight battalions, (half of them fresh,) with fresh artillery, a section of cavalry, sappers and miners, and a large party of Nizam's horse. So that proceedings were commenced with one-third of the troops which were ultimately found inadequate to the business of the first campaign, and with  $\frac{1}{4}$  of the force which is now judged not more than adequate to the work still remaining unaccomplished! Now too, that all Goomsoor below the ghauts, is said to be subdued; that the Bunje dynasty is politically extinct as that of Childeric; that there is but one Chief of influence to capture, and but some poor tribes of Khonds to punish, with the aid of other tribes of Khonds at least equally powerful. And this was done with the fact staring the Madras Government in the face, that in Kimmery, through a similar error, nothing was effected under the same Civil Commissioner and General of Division, until in the second campaign that Zemindary was inundated with troops.

2d. How the troops were brought up.

First came the first brigade, composed as aforesaid, then fell in the *disiecta membra* of the force at intervals, something after the following order. The wing of a regiment came in first, and then, not very long after, its remaining wing. Then came a complete regiment, then again, cautiously, a wing, and then a handful of horse. Now came some six and twelve pound howitzers, succeeded by a wing, in its turn followed by a regiment, and

then passed up wing the last, after the most approved fashion known to spectacles of military burlesque, or to senatorially-minded crows settling in a stubblefield. Exquisite strategy! Sir Frederick; yet, not exactly of the kind that was current at the time when, if you owed your rank to your family, your ribbon came from the Duke.

3d. How the troops were handled in the field.

Before, however, we proceed to enter on this point in detail, and which we shall do in our next, *et sequentes*, it should be premised, that the force first acted as a single brigade, under a brigadier, during the month of November, and in Goomsoor below the ghauts. Early in February, after the arrival of the Civil Commissioner, it acted under the General of Division as two brigades, both in Goomsoor and in the Khond country, and against the Goomsoor Chiefs and people who did not transfer their allegiance; and in pursuit of the family of the Rajah, which had taken refuge above the hills. It finally, after the event of the 5th March, which we shall hereafter notice, acted as two brigades and a small western or upper force, against the Goomsoorians below, and the Khonds upon their table land above the ghauts.

We now proceed with our position, no. 3. How the Goomsoor force was handled in the field.

On the assemblage of the first brigade, the Rajah, deposed by proclamation, retired gradually with his family, some of his Chiefs and his treasure, upon Durgapersaud; a small village, situate upon the extreme western limit of his territory, and covering the debouchement of one of the chief mountain passes. He was there engaged in a vain endeavour to negotiate with the Khonds, who were afraid to share his threatening fortunes, for a free passage and secure retreat within their mountain fastnesses.

There was reason to hope, that by taking instant advantage of this dilemma, the difficulties in Goomsoor might be ended at a blow. Now, although, no force but an epic may worthily commemorate the advance and retreat of Durgapersaud—the *Anabasis* and the *Exodus* now perpetrated by the first brigade—we shall essay to record, in illustration of the war, a critical passage in the former balanced by not the least distinguished passage of the latter. The force having moved from Aska to take advantage of the conjunction noticed, saw the setting of eight vertical suns at Goomsoor two marches beyond where it halted to procure supplies. It finally advanced upon Durgapersaud without its heavy baggage and carrying two days provisions in its knapsacks from its last ground. It was conducted by the royal barber, a cunning, perfidious tonsor, who had remained behind—not probably valuing highly the “remaining expectation” of his confidential office, and probably informed with no great taste for involuntary Alpine travel, however, patriotic or picturesque!

Every inch *barbiero di quatita*, and a rascal, he paced along with the column, ringed and necklaced, cocka-whoop in his treachery. The small village of Durgapersaud covering, as already observed, the foot of a rugged and precipitous pass, at that time totally unexplored, lies close under the shadow of the mountains here mailed to their summits in impenetrable forestry. A frail, wooden, gate-like stockade stretched across the direct path leading into the village. It was defended by a number of peons, and by four small field pieces placed on the ground. The brigade formed "contiguous columns;" and God save the good village Durgapersaud! Now, a Regimental Commandant, of mood somewhat choleric and sudden, not seeing the exact applicability of this dread order of battle as against a poor gungle hamlet, without more ado executed the decisive manœuvre of the day. Conducted by the ready man of lather he made a detour with part of his men a few paces to the right or left, taking peons and guns in reverse, and the village Durgapersaud in every possible quarter at once. Up the pass scampered the light heeled peons: the guns remained to the captors. There was a fair supply of ghee, much sugar, and a little oil for those who got in first, but *where* was Rajah Dannerjee Bunje? Whether echo in the caves of these rude circars was at this time sufficiently accomplished in acoustics to give a correct and civilized reply to this frequent question, God only knows; such a foolish noise did the sepoys make firing up the vacant pass. But response on this point was not needed. The road was yet warm with the footsteps of the fugitives, and every step was marked by traces of recent and precipitate flight—there an elephant had just risen, here a set of cooking pots remained unsnatched, and there again was a half laden litter. But the barber? he did not know the way further! Then who did? No one. What then did the 1st brigade? Returned back straight, with its knapsacked provisions as it came!! Now at the distance of a few hundred yards from the village, within the bosom of the hill, is a small, profound hollow or bottom, an obscure niche as it were in the forest-laden mountain flank, called the *Audhera kote*, or Black-hole of Durgapersaud. It is overhung by the ascending road and weekly stockaded upon the side from which it is assessable below. And all this time, resigned to fate, and to the 1st brigade, lay, in the *Audhera kote*, fairly trapped, Cesar and his fortunes—every object of pursuit! There lay the covey of golden birds in the very sack of the net, cowering beneath the expected hand of the brigadierly fowler, raised but to wave his brigade away. God save the first brigade! The abstinence of the Macedonian in Lydia shewn towards his royal captives, must henceforth be held a forgotten and superseded tale, of no authority as to a gallant use of the fortune of war. The Khonds at once acknowledged the exquisite example. They would not be outdone in transcendental gallantry, even by the first brigade, and instantly afforded the desired passage to the royal party.

Our tale of retreat is brief yet pregnant. The enemy to whom the affair of Durgapersaud had even failed to impart the desired measure of confidence, was every where to be heard of, but scarcely any where to be seen. Now and then they cut off a straggler or a few followers, and occasionally a matchlock ball from the jungle coverts told in the ranks. But the peon-population of Goomsoor, little dreaming of fortune at the hands of the first brigade, neglected that force, and the remedial policy of the mob being much the same at Nowgaum, as at Bristol, was more agreeably employed in burning and plundering the country, the universal panacea for every form of public difficulty whatsoever in Goomsoor. Now, one day, the enemy being a little more idle and more active than usual, several carts laden with grain were abandoned to them *simpliciter* on the line of march; and in acknowledgement of the increased attention which accrued to the brigade after this well-timed *largesse*, 4 carts more were similarly abandoned next day. Exquisite policy! matched only by that of the beleaguered citizens, who reduced by a famine to feed on cats and sawdust, yet placed a sumptuous feast before the embassy which came to propose to them surrender or a sack. The Goomsoor field force had already been without food, and was soon to be found without food again. So much for the brigade operations of November!

We stated on Monday, that the troops had advanced up the ghauts in Goomsoor, but in smaller force than had been intended owing to the absence of carriage. The result has, in the first instance at least, corresponded to this weak demonstration; for the Khonds, who have in their possession Dora Bissoye, and the other Chiefs sought out, and the families of most of them, have been *hesitating* for three or four days about giving them up. Had a larger force been enabled at once to advance, it is probable that the Khonds would not have *hesitated* in the matter. As it is, it is understood, they will give them up if their lives be spared, but this proposition Mr. Russell considers out of the question. Since the first body assended the ghauts, one of the corps left below has been sent up, by the Southern pass, to hem in the contumacious tribe in that quarter and keep all right towards Sorada. This corps was marched with about one-sixth of the necessary carriage? It really might have been expected, that after the long period of repose, upwards of four months, some measures might have been adopted by the Madras Government to have furnished an adequate supply of carriage. Can all the resources of that presidency not spare sufficient cattle to convey the stores of two complete corps on field service? This really is too bad. After all the distress caused during the last campaign by an inadequate supply of carriage, the recurrence of such incidents should surely have been prevented. It is to be hoped that the Khonds will not *hesitate* much longer, but at once give up the parties in question. If not they must see little beyond the prospect of eventual

absolute destruction—their fidelity will be severely tried?

Affairs in Goomsoor were now to proceed under new auspices. The General of Division joined after the affair of Durgapersaud; and the force lay near Goomsoor, unhealthy in its first camp, until the beginning of February. In the end of January the Civil Commissioner arrived in camp, and a few of the chiefs, with the uncle and son and heir of the Rajah, made their submission, and came in. All who did not follow their example, according to the terms of a proclamation, were proscribed, and prices set on the heads of the most important. The unconditional assumption of the zemindary being now resolved upon, the objects in view were: 1. The capture of the Rajah, should he be still alive, with his family and treasure in the country above the ghauts. 2. To afford protection to those who had submitted and given evidence of their allegiance. 3. To apprehend or destroy the chiefs of districts, villages, &c. with the peon population still in arms; and 4. to burn and waste the villages and property, and to arrest the agricultural operations of those persons and their dependants. To render intelligible the proceedings and the results which followed, thus much must be premised of the little known topography of the seat of war. The region above the ghauts to the westward of the centre of Goomsoor, is a great highland plateau held by two tribes of Khonds animated by deadly hostility. They are separated by a profound ravine and dashing mountain streamlet. The nearer tract acknowledged a chief called Bungo Mullichoo, who has since been captured and died in gaol; the further district, or Booroo Des, was under the influence of San Bisoye. Beyond these districts, on the northwest, are the Khonds of Chokeypaul and other clans, bordering on the Dyspulla Zemindary. To the southward are the tribes of Joorminghee and Putlinghee, &c. reaching to the Zemindary of Sourada. Two principal passes, those of Durgapersaud and Durpinghee, rise from the low country at points six miles apart, and meet above the ghauts on the road leading to Oodagherry, which was occupied as a central post in the country of Bungo Mullichoo. Farther south than Durpinghee, near Beracote, rises the Dho pass leading towards the Putlinghee country. The troops, reinforced by two Regiments, were early in February divided into two brigades. The passes of Durgapersaud and Dho (that of Durpinghee being yet unknown) were held by sufficient detachments to maintain the communication, and to co-operate with a large party which now advanced above the ghauts. The remainder of the force was scattered over the low country in parties of various strength. The Rajah had in the mean time passed away from the troubled scene, and his heir being in our hands, the Khond tribes, without exception, affected our friendship. The Commissioner, with their aid, succeeded in capturing the Ranees on the borders of the country of San Bisoye, and soon afterwards the brother of the late Rajah,

Broondywan Banje. The former he sent into Oodagherry to be from thence forwarded by the Durgapersaud pass to Goomsoor. Here let us advert to what passed in the interval, below the ghauts, and thence revert to the course of events above, in illustration of the character of our military procedure. To each of the detachments, dispersed over the face of Goomsoor proper, was assigned a beat or circle, within which the officer in charge forwarded, as seemed best, the general objects of the campaign. It was generally understood that rebels were to be shot at wherever they could be found, the personages of the proscribed lists hunted wherever the scent lay, and every form of property ascribable to them destroyed: and besides all this, special expeditions or "*dours*" with the aid of agents and guides furnished by the civil authority, were to be unceasingly undertaken. Now the pressure of scarcity in camp was great, and sickness increased in an alarming ratio. There was insufficient carriage, medicine was becoming scarce, there were few to administer it, there was no topographical knowledge, and no one was systematically employed in procuring it. The duties assigned to the detachments were found to be in the last degree destructive to them, and productive of no corresponding, scarcely of any imaginable, advantage. The practice was, to direct a party, or several parties in co-operation, to march from 10 to 20 miles over night, to surround a village, lie on its arms till day-break, with intent to seize certain persons proscribed, and then to destroy the hamlet, grain-stores, &c., by fire. Now these parties had been as intelligently expected to arrest the longest tailed of the next herd of vigilant asses, to apprehend by the old saline process the most cunning fathers of the next flock of far-sighted crows. The fly-by-night system was never by any accident successful! The objects of pursuit knew of the march of each detachment as soon as it shouldered arms. The guides, in almost every instance forced, were in every instance ignorant or false. If the village sought was by good luck found at all, it was, if not invariably found deserted, ever at least fully alarmed. The detachment was next day fever-stricken to a man. The fire raising which was accomplished, might have been as effectually accomplished by a morning's march. Such was the mode of misapplication of the lower force in Goomsoor.

We learn there has been some fighting in Goomsoor, in which a Sowar and a good many Khonds have been killed and many more taken prisoners. It would seem that more resistance has been made, than was expected. Another regiment has been ordered up the ghauts forthwith, and an emergent indent sent down by Mr. Russel for 50,000 ball cartridges! The authorities in Goomsoor are about as distressed at our early and accurate information of their proceedings, as the *Englishman*, from his notice of Friday, appears to be. Every possible manœuvre is attempted to keep matters secret; but it will not do. One detachment has effected a very fortunate



hit. After a *dow* of some extent, in search of Buliar Sing, one of the rebel chiefs, and clambering into trees here, hunting bushes there, searching every pool, ditch and fence, they spied a man endeavouring to escape, and the devil take the hindmost was the cry;—the detachment gave chase, they ran like mad, the unhappy Khond fled, but it would not do—he was caught. Of course it was Buliar Sing, the great rebel, and the hearts of the detachment were glad; their hopes beat high, for not a soul could understand his language! This capture was a great treat—a fortunate hit; but, alas! *oh fortuna!* it proved to be not Buliar Sing, that was captured, but one who had once been Buliar Sing's Dhohee! Our troops hoped to have caught a cunning traitor—they found they had only got a washerman!

We resume our summary of the late disastrous campaign in Goomsoor:

Now came a startling event, which if not the direct and natural result of the general system of procedure, was to test like angelic apcar its adequacy and virtue. The very accident, which was to have been anticipated and provided against, occurred. The circle of the war was suddenly extended. The Khonds of the hither region were in arms. The single cause or the combination of influence which produced the movement of the 5th March, does not plainly appear. It has been attributed to a false rumor, founded on the personal treatment of certain guides and prisoners by the Commissioner. It has been ascribed to a resolution suddenly conceived at a great Khond feast then held, which others again regard merely as the rite, by which its execution was sanctified and preceded. It has been attributed, partly to the influence of Dora Bissoye, as yet in the low country—largely to sympathy with Broondywan Bunje—and directly to Bungo Malliehoo, by one of whose sons it was conducted. A sense of insulted honor, excited in Khond bosoms by the spectacle of the captive line of Rauees, has been pressed into the difficult service of explanation. Mr. Russell can no doubt substantiate the view given in his last report; but it is in truth matter of extreme difficulty to assign exact values and true incidences to the various causes, which, on this occasion probably swayed a wild tribe, of whose mental constitution we know nothing. Some facts and circumstances connected with its occurrence bear with vital importance upon the Military conduct of the campaign.

The Commissioner having accomplished the capture of the family of the late Rajah, and sent them on to Oodagherry, *en route* to Goomsoor by Durgapersaud, was engaged with strong parties in the Booroo Des, in the apprehension of Broondywan Bunje. It had been for some time apparent, that the footing which we stood with the hither Khonds was unsound. Shining evidence of treachery appeared in the discovery, that their chief had at a time intercepted the communication betwixt the upper detachment and the main

body of the troops, (which was now also that betwixt the Commissioner and the general officer) by detaining the correspondence of the former. It was evident, that a new estimate was to be made of the character and intentions—a new value assigned to the friendship, of the Khonds. It was plain that the communication betwixt the upper detachments and the main body of the troops was to be maintained by an increased force, and with redoubled caution. Now about this time, as if the indications had borne an opposite character, the detachment of Durgapersaud, the main link in this line of communication, and composed of 90 men under one of the oldest Captains in the service, was relieved by an Ensign who had just joined, and was entirely ignorant of the language of his troops. The day before the rising, it appears that a Khond of one of the protected villages of this tribe found on the lower skirts of the hills, repaired to Gullery and made to the Brigadier there, with whom at that time the General was residing the following statement. He said that having lately gone to Oodagherry to the celebration of a feast, the intention of a hostile movement in that district was communicated to him. That he had been minutely questioned as to the strength of the detachments at the foot of the ghaut, and of those in the low country in the neighbourhood, and that an attack immediately impended. Unfortunately, and inconceivably, this statement was misunderstood or disregarded, until the commissioner above the ghauts also communicated to the General intelligence of meditated treachery. Writing in the spirit of history of what is now matter of history, we would not judge harshly of the proceedings of the Brigadier General consequent on the above report. We know neither the exact amount of information afforded, the exact requisition preferred, nor the exact number of hours that elapsed between receipt of the same and the march of reinforcements. Suffice is to say, that a detachment was ordered to Durgapersaud, which, according to first intentions, would have actually started for that post on the *day after* the massacre, which we shall presently narrate; as it was, the news of that dread event having travelled rapidly, the detachment marched the same evening. We simply state the fact and append no comment; because the General's conduct may have perfectly accorded with military principle, have been in exact conformity with military prudence; and it should not be rashly assumed, that, because the result was unfortunate, the arrangement was necessarily unwise.

One would think, that it must sear the brain of a Military Governor, one too who has been accustomed to interfere irresponsibly with the discipline of the army, to find its proud fame dashed under his auspices by a new form of dishonor. It is not often that an army can bear the record of mishaps, but the Madras army, rich in the accumulated reputation of every field of conquest of Southern and Eastern India, can bear to have the broad scroll of its triumphs shaded even by the record of its

minutes disasters. *Fortuna non mutat genus.* Accident of constitution, of locality, of command, have necessarily imposed a variable fortune on the different bodies of troops employed in Goomsoor; but of the fine conduct, the admirable behaviour of the whole body of officers and men engaged in its anomalous and trying services, the highest meed of discriminating eulogy is the bare desert.

We now advert to the sad event of the 5th March, some of the circumstances connected with which we have recited above. On the morning of that day the Khonds were assembled in great force in the vicinity of Oodagherry, and when the party, which had been drawn from the detachment at Durgadersaud, in order, to escort the Rances and a host of followers down the ghaut, moved from the former place, these Khonds followed the detachment, peaceably until it reached the pass of Durgadersaud. They had taken the precaution to cut off the post of the evening before, destroying its escort; and so were not apprehensive of the arrival of succour from below: while the condition of the detachment at Oodagherry, dejected through the combined influence of hunger and disease, and commanded by one of the youngest subalterns in the army, rendered them secure from that quarter. On reaching the top of the ghaut, which is 2½ miles in length, very stoney and steep, the Khonds warned the Rances to escape from their escort, and prevailed on two of the ladies to do so. Rude in arms, but daring in spirit, and strong in numbers, they now began to insult, and with rising courage to hurl down large stones, and shower arrows amongst the troops, who were necessarily very much scattered from the nature of the pass, which is both rugged and narrow, and whose capabilities for defence were still more essentially lessened by the doolies and followers, conveying the captive women. The party consisted of only forty men, with two European Officers, fine young men just joined, who had consequently no experience whatever in military affairs, and who should hardly have been deputed on a service, of more than doubtful difficulty and danger. Anxious that blood should not be unnecessarily spilled, the senior of these two officers had ordered his men not to load without orders. These orders were most strictly obeyed, and by the time the detachment had half descended the pass, more than one of the small party had fallen from the arrows of their opponents, ere a shot from the detachment was returned. This forbearance was fatal. The Khonds, encouraged by the little notice taken of their distant attacks, and by the scattered position of the detachment, suddenly rushed on in crowds from all quarters, and closed in with their battle axes hand to hand. The two officers, brave youths, brothers through life and undivided in death, were soon killed, more than half the detachment fell fighting, and the remainder wounded almost to a man, panic struck, and without a commander, were doomed to suffer the unimagined shame, of relinquishing in open day their arms and musical

instruments, to an enemy so rude, that from the capture of this disastrous hour they first learnt the use of fire arms!

Signa ego puniis  
Affixa delubris et arma,  
Militibus sine cede, dixit,  
Direpta vidi.

Four of the Rances and a child fell during the attack, and a multitude of the followers were massacred.

The Khonds, drunk with success and fantastically arrayed in the spoils of the fallen, now reascended the pass, barricaded its summit, and proceed to menace and insult the dispirited detachment at Oodagherry. They also appeared in great numbers at Bernacote, and several weak parties were cut off in the Dho pass. A detachment from Gullery, however, soon cleared the ghaut of Durgadersaud, and proceeded to visit the Khond villages of the hither district with every form of retribution. Its proceedings were suspended for a time to favour the search for the trifling treasure of the Rajah, in which the Commissioner was now engaged, and a conference with a view to peace, took place, but without results; after which an officer of rank was sent to conduct the operation above the ghauts, while the former system obtained below. Food, medicines, carriage and information existed, in quantities less than ever adequate to the necessities of an increased force and extended operations. Before adverting specially to the proportions in which these existed, let us add that in the end of April, Dora Bissaye, pressed below, took refuge above the ghauts, where all attempts to capture him proved futile, although the guides more than once brought our troops all but to the old man's lair. Many of the chief rebels of Goomsoor were subsequently brought in, by the distressed people desirous only of quiet and security; and finally the son of Bungoo Mullichoo, who had conducted the Khond movement, having passed from his own district, was delivered up by the friendly and alarmed Khonds of Joorminghee. At what expense to those engaged these points were accomplished will appear hereafter.

We have afforded some means of judging "how the troops were handled in the field." The measure of suffering through which the results, or no results, adverted to were accomplished, and followed up during the monsoon, should rest on the faith of exact returns alone not commanded by us, and be stated by the pen of Defoe not ours. In general terms it may however be said, that one Regiment left the field, without a single officer or a single section fit for field duty. A detachment of two companies of gallant men, most gallantly led, is said to have been exquisitely attenuated to 2 officers, 1 Jemadar, 1 recruit boy and 1 drummer! Another corps of fine admirably commanded men, half of whom had, with their officers, been seasoned in the previous campaigns of Kimerdy and Paleondah, the rest stout young soldiers who had but recently replaced the casualties of the preceding five years—in which period full half the regiment has perished—this

## SKETCH OF PROCEEDINGS IN GOOMSOOR.

corps, at the end of the campaign, having lost, temporarily or for ever, two-thirds of its officers, could scarcely have afforded for service a really effective subdivision. And then too, the fearful sufferings of the 44th Regt., which some idiot scribbler in a Madras paper has dared to taunt with prostration! It appears that this corps was devoted by companies to the maintenance of a jungle out-post, where veterans, young men, or the recruit boy, inevitably and alike drank poison as if from the bowl. No flesh was spared at Moojygudda—there was no passover. An outpost too, for whose maintenance, whatever the occult reason might have been, there was certainly none apparent why even the life of a dog should have been imperilled—an outpost, for whose undisputed maintenance, though in the very district of Dora Bissoye, a few neoclimatized subudees have been since found amply to suffice.

Hearts are not flint and flint is rent—

And on quitting the field, the 44th Regiment was compelled to decline, to afford with its whole remaining strength, a paltry escort to the boy heir of the Goomsoor Zemindary, then proceeding along the coast, on his route towards Vizianagram. Let us complete the rumoured causes of these sufferings, according to our first intention, in the proportion borne by the food and carriage, and the system of intelligence and medical arrangement to the exigencies of the service.

First, then, of the supply of food and carriage.

The first brigade which entered Goomsoor, found itself at the end of its first march, with out a seer of rice or a pound of meat in camp. On its second halting ground, it was compelled to pause for eight most critical days to procure supplies. For the remaining period of actual field service, until close upon its termination, the main source of ail suffering and disease, according to every medical and military report, in a force placed betwixt the all-producing delta of the Maha Nuddy, and the endless rice-fields of Ganjam, in the cheapest district of India, overflowing with men and cattle, and bounded by the sail-swept-sea, was an insufficient supply of food! No colouring can add force to this simple statement. We forbear all details. The complaint is not that the troops suffered, but that their sufferings, and they were matchless, were entirely gratuitous and almost entirely ineffectual. Let it be recorded that they suffered well. As to food and carriage, it is hard to say, whether the proportion, in which it existed, tended more signally to illustrate the foresight and energy of Sir F. Adam or the providence of God. The elephants and camels, employed in conveying the ex-Rajah of Coorg with his family towards Benares, shamed by the merest accident on earth to be on their return by Ganjam, and to be available. Now let it be supposed for a moment, that the poor madman of Coorg had set up his mind to drivel out his days amongst the hills of Tripetty, or with the monkeys of Bringham or Conjeveram—or that the prize committee of Mercara had been, if possible,

even more trenchant in its proceedings, so that the Rajah's baggage had become as light as his wives were said to be—or that the poor man's lunacy had chanced again to know a blue-beardish or a monogamic phase—and what would have become of the campaign in Goomsoor? And who can doubt that a special providence may be as mercifully evinced, in a supply of the larger Mammalia, as through quails and manna? Next to the want of food to men, whose energies were constantly overstrained in an atmosphere of pestilence, the want of carriage to distribute supplies when collected, and to transport the sick and wounded, was perhaps the most deplorable and the most disgraceful want in Goomsoor.

In our next we shall treat of the intelligence department and Medical arrangements, and shall conclude our present article with a brief episode on hanging.

Rarely has civil change been more sanguinary, rarely has a larger oblation of life being made to mixed political and criminal justice, than in the miserable zemindary of Goomsoor. Now, as if it had been determined to lay aside the decencies of modern criminal procedure, with the advantages of modern war—the duties of penal execution, otherwise unprovided for, have been hitherto virtually, not formally, imposed on the officers of the field force. How this has been met by men ever ready to deal with the sternest exigencies of service, it matters not to enquire. But notwithstanding a page of *facit*, by the Madras Military Board dated Fort St. George 15th June, on the mere point of “making one noose do the turn of a dozen Goomsoorians,” it is doubted whether Madras officers are so exceedingly intelligent in gibbet machinery, so curious in line and noose work, as some people seem to imagine. We doubt whether the strangling of Khonds and the suffocation of Goomsoorians be of their proper vocations. Even General Evan's legion not unfamiliar with, old Bailey practice, is graced by the institution of Provosts Martial; and we do not believe that the officers, of any portions of the army of India, congratulate themselves, more than do that Legion, or than did Macbeth, on having “hangman's hands.” There is another view of this subject, which if Colonel Napier is right in attributing *cruelty* to Sir F. Adam, will weigh but slightly with that personage.

There is no doubt that the absence, of the functionaries, due to the extreme office of the law, in Goomsoor, has been the means of inflicting, not death only, but an amount of horrible and disgusting torture, at the thought of which humanity shudders, and which decency abhors, upon men, whose crimes have, in some cases at least, been—what it would take more casuistry than we have time for to determine. Still we do not object to the work of criminal execution being made matter of general military regulation. Might not Sir Frederick Adam worthily employ his approaching leisure, and the added influence which his Indian military reputation will carry at the horse guards and with the king, to compose a section

of pensile formalities, to be added to the "Book of Field exercise for the Army.

We now proceed with the intelligence department and medical arrangements in the recent Goomsoor campaign.

A department of intelligence and topography, the vanguard of every civilized force, the first want of that of Goomsoor, has been there scorned; and its absence did far more than compensate to the Khonds, for their somewhat late adoption of that scientific invention, which has made war so loudvoiced since Agincourt. Every paragraph of our previous narrative has illustrated this position. It is needless to multiply details, let us simply add one example more. Month after month did detachments, and every species of carriage, toil and perish in the rugged and difficult pass of Durgapersaud, the main communication betwixt the lower and upper force; while, a few miles to the left, not more than six or seven, rose the pass of Doorpinghee, comparatively smooth enough for the ascent of,

"The Derby Dilly with its six insides."

As to medical topography, let but this be said, that the Commissioner has the satisfaction to find that the vulgar, native, bazar estimate of comparative healthiness assigned to the posts which the troops have occupied, corresponds to a nicety with the scale now determined for each month by their mortal experience.

A chapter which should correctly delineate the proportion which existed betwixt the sanitary provisions of the Government and the exigencies of the service, with the consequent results throughout the Goomsoor campaign, would afford a picture, some passages in which humanity could scarce bear to contemplate. It is not our object to trace even the outline of such a picture. We will but indicate by a few sentences, for correction by the able and admirable men who conducted the medical duties of that melancholy field, the correspondence, which is believed to have obtained at certain periods, anent the numbers and exigencies of the sick, the supply of medical officers, and the amount and distribution of medicinal means—we have above hinted at the measure of our knowledge of medical topography—under the auspices of a Military Governor, on whose character, Colonel Napier was thought to have rashly fixed the stigma of indifference to the suffering of others, by the epithet "cruel."

According to the calculation of the Medical Board, the sickness for six months preceding October, amounted to about 400 per cent.—12,000 cases having been treated in that period! Now the sickness during the 5 months which preceded these, cannot be over-estimated at the amount due to a similar ratio.

Then it is believed, that at one time, in March, when there was not a single medical officer of the 225, on the Madras list with the

famished, fevered, outwearied troops above the ghauts, there were but three, or two, (the fault was not the General's) available for duty with the force below!

Then at one time, in the month of April, it is said that when there were from 1,000 to 1,500 sick in the field hospital at Nowgaum, the head-quarters of the force, there was not for hospital expenditure a single grain of calomel, nor an ounce of bark! It was a sight, to see the worthless rind of the jungle neem-tree stripped and decocted by the despairing surgeons, for troops within a day and a half's run of a steam ship from Calcutta—within a week's sail of a Dhoney from Madras!!

And lastly, until late in May, there was not a single field hospital, nor a shed, to keep the vertical sun from the hordes of fever stricken and wounded men!

And where was Sir Frederick Adam while this dread scene of suffering was enacting? While his troops were being decimated by centuries before the appalling pestilence of Goomsoor, where was the Madras Governor? At the head of his Council, actively engaged in providing sustenance for the still efficient soldier—or medical aid and comfort for the sick and the dying, or despatching reinforcements wherewith speedily to close the campaign; in a word, doing all that man could do, to ameliorate, or avert the necessary calamities of such a service? No, not he! His Excellency was quietly solacing himself on the southern Hills and enjoying the luxuries of that salubrious clime; and, in the festive routs, the crowded halls, the brilliant uniforms, and "golden coats," the gay *conversations* and quadrilles of Ootacamund—the horrors of Goomsoor, and sorrows of the sick and perishing soldiery, were cast aside, unnoticed or forgotten. Was this to have been expected from one of Wellington's Generals, from a soldier of the Peninsula and of Waterloo; one ever conspicuous for gallantry in the field, covered with honorable wounds obtained in service of his country, and decorated with well won honors at the hands of his sovereign? We would gladly have been spared such record, but truth demands it at our hands.

It was a cannon and a practice of ancient chivalry, that if, through the laches or false conduct of a knight, the humblest man at arms who did battle by and for him and in his name, should suffer discomfiture or distress, that knight should be held distained by irretrievable dishonor.

The omission to provide comfort, aid, sustenance due to brave men, no, in dependence on the knightly character, imperilled their lives and risked their precious names, was in a military age justly deemed a most foul, ungenerous and irreparable crime: and there is without doubt chivalry enough extant in every true breast, still deeply to acknowledge this righteous ordinance. And if the spurned plume be no longer to be dashed in the place

of exercise, nor the sentcheon hung in the lists reversed, there remain unabated, contumelious pity and deep disdain, the deeper degradations which are of the mind, for treason to honor and to trust, by whomsoever perpetrated against whomsoever done.

Our sketch of Goomsoor is ended—our narrative of woe is told. We have some concluding remarks to offer, but they must be but few. We have said, "Let it be recorded the troops suffered *wilt*!" We must not finally dismiss this fearful subject with words so brief, for the admirable conduct with which the soldiers, employed in their scene of suffering and pain, the firmness, and uncomplaining endurance with which they faced the ravages of half-famine on the one hand, and the gaunt steps of disease on the other—the cheerfulness with which they supported the toil, the disappointments, the privations of a protracted jungle warfare, amid cholera, fever, ulcers, beriberi, merit something more than a single sentence of praise? Their sufferings were indeed uncommon—we have said they were also in a great measure gratuitous—but this was not the fault of the regimental officers, who exerted themselves most nobly, and of whom more than one fell victim to extraordinary exertions in relieving the wants of their ill-fated men. It was no fault of the Commissioner. He spared neither public labour nor personal exertion, and did all that man, situated as he was, could do. The self-sacrifice involved in his acceptance of this prolonged service, was great, and for those exertions he can receive no more honorable compliment than is due to his eminent public character; the zeal, the readiness due to his eminent public character; the zeal, and unwearied energy, with which he has striven with difficulties not to be overcome, assumed every character, attempted to supply the defects of every department, eked out each man's deficiencies, (even if a smile at the incongruity of functions, all combined in one working day, should mingle with our admiration,) can scarcely be overestimated. Yet shall we hesitate to say, with unfeigned sorrow, that Mr. Russel has failed signally to himself and towards all involved in the calamitous proceedings which he has mainly conducted;

Placed in a false position, he has consented to act in that position. Whilst, all that the social and territorial circumstances of the country imperatively indicated—all that military prudence, all that sanitary experience prescribed, has been by the head of the Central Government systematically neglected and contemned;—whilst troops too few for the work, too few for the climate, yet too numer-

ous for the food, infinitely too many for the carriage—misapplied for want of a fit military leader on the spot, (the General officer of the division being 200 miles distant at the Head-Quarter Station), wasted and misdirected for want of an organized system of intelligence, have been the means placed at his disposal—why, in the name of all that is inconceivable, has Mr. Russel, in this long year of pain and toil, deliberately consented to contend with impossibilities, to whatever circumstances attributable, and with the character of Sir F. Adam perfectly understood by him? Why has he consented to stake against such chances brave men's lives and honors, casting, day after day, a desperate die, as if those were breath and chaff? Why has he consented to hazard the rich vessel of his own fame—dear to how many!—within sight of port?

We have said the suffering of the troops was not caused by the fault of the Commissioner. We must add that it was *not* the fault of the Brigadier-General of division, nor of the veteran heads of offices of military detail at the Presidency, proved by stern trials equal to every public exigency—of a Commissary General of great and unquestioned talent—of a Quarter Master General, every way equal to the higher functions of office—or of an Adjutant General, the idol of his soldiers, an officer of whom any troops might well feel proud, and who, for seven and twenty years, has been "chief of the staff" of the coast army. It was the fault of none of these. Still less can it be said to have been the fault, of the Military Secretary to Government, to whom the possession of every requisite of office is universally conceded—nor of the eminent chief of the Secretariat, on whose table Sir Frederick has intelligently doubled portfolios like sandwiches!—no, no, it was none of these. All, all stand clear from the shadow of blame for the issues of Goomsoor. The mainspring of the machinery to whose action they administered was at fault. What *could* an able Secretariat, and active, zealous, and intelligent heads of offices perform, without a Government to support, to sanction, to give effect to their measures? They could not act alone!

In concluding, therefore, this narrative of evil, and having clearly exposed the *origo mali*, we trust Lord Auckland will pardon us, if we suggest the expediency of some legislative enactment being passed without delay, by which the Governors of Minor Presidencies may be restricted from quitting the limits of their Council, without entire surrender of their Government for the time being.—*Hurkaru*.

## THE ROMANIZING SYSTEM.

I have read with much interest the discussions which have lately taken place on the subject of the general application of the Roman character to the languages of India. The superiority of this character over the other alphabetical systems at present in use in the East, its cheapness, its distinctness, its capability of compression which so eminently fit it to be the organ of a national literature, seem now to be scarcely ever denied. This part of the subject is put in a very clear light by a letter lately published in the Agra paper of which the following is an extract :—

“ As to the character, I must confess, could I persuade myself of its practicability, I should by far prefer the Roman. It is so soon acquired, so easily read, so rapidly written, and its structure is so compact and uniform, and so well adapted for business : besides which its stops, capitals, italics, and other expressive marks, afford so many advantages, that no character in the world can be compared with it. Hence it is not surprising, that it should have been adopted by the wisest nations all over the globe.

“ Compared with this, the other characters are cumbrous and unmanageable. The Persian looks pretty indeed, but the letters are for the most part, separate and very unsymmetrical in their structure ; then there are numerous dots to be affixed, besides other marks to distinguish the vowel sounds. As to the Deb-nagri, it is almost as bad as the heavy old English, or Germ in text, characters which might have done very well in the dark ages for the scribes and copyists to waste their time upon, but are surely very ill calculated to meet the wants of these enlightened times, when so much writing is practised and such constant communication of thought is required.”

Another great advantage arising from the general use of the Roman letters would be, that all the dialects of India being expressed in one common character, intercommunion of language, and consequently intercommunion of thought among the numerous races inhabiting the Peninsula, would be greatly facilitated. This position has been assailed by the *Friend to India*, by what appears to me to be a very illogical argument. He says that the majority of the European languages are expressed in a common character, but “ has this happy circumstance produced any community of interest, any beneficial reciprocation of thought? Let the national jealousies, the perpetual wars of these nations, for many centuries, reply to this question? ” Is it meant by this, that the wars which formerly raged among the nations of Europe are a conclusive proof that no “ beneficial reciprocation of thought,” no “ community of interest ” now exists between them? From the way in which the question is asked, this must be the inference intended, yet we all know that such is

not the case. Among many causes which tend to unite nations, there are many others which have an opposite tendency. The study of the same languages, and sciences, the similarity of the colloquial languages, and in our opinion, the circumstance of those languages being expressed in one common character belong to the former. While conflicting commercial and political interests belong to the latter class. The wars which formerly prevailed merely prove that as long as those wars lasted, the causes which produce disunion, whatever those causes were, predominated ; just as the long peace which followed proves that those which tend to the existence of general harmony, whatever they were, have been since on the ascendant. Whether or not the use of a common written and printed character is one of the circumstances which assist in facilitating intellectual intercourse, and thereby in promoting a mutual good understanding, is a point which is left quite untouched by this argument.

The *Friend of India* goes on to state, that “ the most complete reciprocity of thought ” does exist between the English, the Germans and the Russians, notwithstanding their alphabetical characters are “ perfectly distinct from each other,” and that “ this mental reciprocity springs from a corresponding elevation of mind, from that community of intellectual interest which pervades Europe.” It did not occur to him apparently that the argument which he had just used about the wars, is just as conclusive against this cause of reciprocity as any other. “ Has this happy circumstance,” we may ask our turn, “ produced any community of interest, any beneficial reciprocation of thought? Let the national jealousies, the perpetual wars of these nations, for many centuries, reply to the question.” The unsoundness of the *Friend of India's* reasoning is, however, kept in countenance by the incorrectness of his assertions. Who does not know that the English, the German and the Russian characters, so far from being “ perfectly distinct from each other,” are very closely allied. Any body who can read the English, may learn to read the German character fluently in two or three hours, and Russian is written in the Roman character with a sprinkling of Greek. Of late years, also, German, as well as modern Greek have been extensively printed in the Roman character. Thousands of German books which are annually imported into the United States for the use of that portion of the population whose native language is German, are almost entirely in this character.

“ This mental reciprocity,” says the *Friend of India*, “ springs for a corresponding elevation of mind, from that community of intellectual interest which pervades Europe.” These expressions are rather obscure, but we under-

stand it to be meant, that the intellectual union of the natives of Europe is owing to the General agreement in their intellectual pursuits. This, it appears to me, is putting the effect for the cause. When people think and feel alike, when they have a "corresponding elevation of mind," a "community of intellectual interest," union follows as a matter of course. The practical question is, how this much to be desired state of things can be brought about; how this "community of intellectual interest" can best be established. It will be allowed that among the circumstances which conduce most directly to this result, is the study by different nations of each others languages; from which it follows that whatever facilitates that study, assists in producing the desired reciprocity. Now I ask, whether if English were expressed, as it is, in the Roman, French in the Arabic, Spanish in the Nagaree, Italian in the Tamul, Dutch in the Bengallee character, and so on, the study of foreign languages would be as easy or as common in Europe, as it is at present?

Even this does not represent the full extent of the obstruction which the variety of different characters in India opposes to free mutual intercourse. As the vernacular languages of India are either derived from a common source or deeply impregnated by it, they are, for the most part, so similar to each other, that they ought rather to be considered as different dialects of the same language. If they were expressed in a common character, the same literature, with comparatively little alteration, would do for all, and every contribution to it, from whatever quarter, would be a direct addition to the common stock. Instead of this almost every province has a separate character, and two, and sometimes more characters are current in every district. In the Upper Provinces, for instance, the Deb-Nagaree and several varieties of the Kaithee as well as of the Persian, are used by different classes of people in the same place. There is no use in urging that the Hindu Alphabets are derived from a common origin. No ordinary observer can trace any resemblance between the round characters of the south of India and of Arakan and Tenasserim and the square characters of the north,\* and as for the Arabic character and its derivative the Persian, they are not only quite unlike the Indian letters, but have an entirely separate origin from them.

We need not dwell upon the evil consequences which must arise from the people of adjoining districts who speak different dialects of the same language (the people of Cuttack and Bengal for instance), and different classes of people in the same province who speak nearly the same dialect

(the Hindus and Mahomedans, the Pundits and Bunyans for instance), being unable to correspond with each other, or to make any use of each others literature, owing to the variety of characters in which they are expressed. If the south of England used one character and the north another, Scotland a third, Wales a fourth, Ireland a fifth, while the middle and upper classes throughout the United Kingdom used some the Deb-Nagaree, some one form or other of the Kaithee, some the Persian or Arabic, and some the Roman character, would it not be considered a great national benefit if all these local characters could be superseded by the Roman? To say nothing of mutual intercourse, what an obstacle it would be to national improvement if every book had to be transferred into a dozen different characters before it became accessible to every body, even if they were all equally good and cheap characters, which is not likely; and what small editions would be printed, and consequently how dear books would be if the demand were split up into so many different sections! In many cases the limited number of readers in particular characters would prevent books from being printed at all in them. All these inconveniences are experienced in India, particularly in the Upper Provinces where so many different characters pass current at the same place and time.

Another objection which has been urged by the *Friend of India* is that by reading the native languages in the Roman character, a child acquires a bad pronunciation of English. To this I reply that in Hindi, Bengali and Uriya, the consonants, with three exceptions, each distinguished by a mark, are pronounced in every respect in the same way in both; while in words derived from the Persian and Arabic there are only two additional consonants which are also distinguished by marks; but as these do not occur in English, they cannot teach a bad English pronunciation. The objection, therefore, whatever it may be worth, is almost entirely confined to the vowels. Here, undoubtedly, it was impossible to establish entire uniformity unless we had made the Indian mode of spelling as irregular as the English. The Roman letters were applied to the English language in so clumsy and unscientific a way that the same vowel sign sometimes expresses half a dozen different sounds, and each in turn expresses the sounds of all. In applying them to the Indian languages, it was necessary to avoid this error, and to take care that each vowel sign had only one sound belonging to it. This was done by giving them the same power as they had in the Italian, and as they are supposed to have had in the original Latin.

But may not this use of them teach an incorrect pronunciation of English? By no means. Whenever a person learns English, whatever may be the nature of his previous acquirements, he has to learn to pronounce the same vowel sign in several different ways, as occasion requires. If he was acquainted with one of these uses of it before, so much

\* In every case in which correspondence of arrangement and system now exists between provincial characters, it would be preserved in the Roman. The utmost extent of the change would be the substitution of signs of one shape for signs of another shape, but by this means the immense advantage of an easily learned, cheap, distinct and an Europeanised and uniform alphabet would be obtained.

the better. He has less that is new to him to learn. It is as easy for him to distinguish between the use to which he has been accustomed to apply the letter, and the new uses to which he is now obliged to apply it, as it is to distinguish between each of those new uses. It is absurd to talk of puzzling a person who has to learn such different uses of the same vowel sign as *plough, enough, dough, through,* or who, when he has learnt *a b ab*, is checked when he affixes the same sound to the vowel in *b a ha*. Our knowledge of the powers of the Roman letters as they are used in English or Latin, does not prevent us from affixing the proper sounds to them when we learn French or Italian. We know that we have so nothing to learn which we did not know before, and we keep the idea of our own, and of the foreign language distinct in our minds. If there is any difficulty, it arises from the inability of our organs to pronounce sounds to which they have not been accustomed, and not from the different power of the same letter in different languages. This, we need not say, is not removed by the use of any character whatever. To the extent to which the powers of the Roman letters in Hindustani and English are the same, it must be allowed that their uniformity is a great assistance both to the Englishman learning Hindustani and to the Indian learning English; while to the much smaller extent to which they differ, they both have to learn to affix new powers to the letters. In either case, instead of having to learn an entirely new alphabet, they have to learn only a very few letters. There cannot be a doubt also, that English scientific terms will be much more readily and accurately adopted into the vernacular dialects and that both the words and spirit of the English language will become much more rapidly diffused through them, after they shall have been united with English in the bond of a common written and printed character.

The *Friend of India* admits that only one million out of the thirty millions of Bengal can read. Why then does he talk about "every native in India relinquishing the native character" and of "putting the people at once in possession of our treasures" by translations into that character. Such swelling phrases with so little meaning are no avail.

And what sort of readers are this one million? How many of them understand what they read? How many can even pronounce fluently the mere words on a page they never saw before? Even Pundits and Munshies and much more the common people, read with difficulty, stopping to spell words and repeating over and over the last two or three words, while they are studying out the next. There are probably not five thousand persons in all India not educated by Europeans, who could take up a translation in their own character of any work in philosophy, morals or religion, and read it extempore with understanding.

The present state of the question seems to be as follows. The advantage of having only one character for the whole of India, and that cha-

acter a cheap and easy one like the Roman, is very generally acknowledged. The practicability only is doubted, and the persons who have been deterred from giving their support to the plan by this consideration alone, would have sufficed, if they had supported it, to place its ultimate success beyond all doubt. I shall therefore explain as briefly as possible my reasons for considering the plan practicable.

Reasons for thinking that the general introduction of the Roman letters in India is practicable.

1. Their superior cheapness which must give them the advantage of every other in popular opinion when they become sufficiently known.

Mr. DeRozario's English, Bengali and Hindustani Dictionary is comprised in one moderately sized octavo volume and sells for six rupees, but it has been correctly asserted\* that if instead of being printed entirely in the Roman character, it had been printed in the Roman, Bengali and Persian or Nagari characters (that is to say, in a separate character for each language contained in it), it would have required more than three times the room and have cost nearly three times as much as it now does. In the same way, Mr. DeRozario's octavo edition of the *Bagho Bahar* in Roman character of a large size sells for rs. 1 as. 8, while the cheapest edition in the Persian character cannot be had for less than double that amount.

This remarkable difference of price is principally owing to the superior compactness of the Roman type which makes it take up so much less room than any other, but not entirely. A font of Nagari type cast at Serampore, which I have had examined, consisted of no less than 700 letters, simple and compound†, and yet these only afford an equivalent for the 30 ordinary letters (including the accented letters) of the Indo-Roman alphabet, and make no provision for capitals, small capitals, italics, &c. After all this quantity of type has been provided, the vowel points must still be placed on various letters, which, owing to their resting on a thin strip of metal to allow of their being put above or below the consonants, renders them very liable to be broken, and thus completely to embarrass the reader. If each consonant is cast with its proper variety of vowel points, which it has been already found necessary to do to a considerable extent, the size of the font is increased to upwards of one thousand separate types! The same remarks apply in part to Bengali, although that type is somewhat less subject to breakage. Of the Persian it is not necessary to speak, as that character is already well nigh abandoned, even by the enemies of the Roman system. The Burman font lately cut in Calcutta requires above 500 letters; the Peguan more

\* See *Christian Observer* for September, 1836.

† The great number of compound consonants in the Nagari character swells the types to this extent.



than 1000. Thus we might go on. Besides this, to procure a font in a new character, or a smaller type in a character which has been already used, we are not, as in the Roman, at the mere expense of casting. A punch and a matrix must be made for each letter, at an expense of from 1 to 2 rupees each, without including the salary of the European superintendent; making a difference in the cost at once of from 1,000 to 2,000 rs. in a single font, besides the cost of European superintendence. From all this any one may see how great a difference there must be in the cost of type between oriental characters and Roman.

Add to this the greater space necessarily occupied by the native characters in the smallest size in which they have yet been cut, and then judge of the propriety of adopting for the purpose of national education a character so essentially defective, in contrast with one so eminently adapted for the purpose. The cost of paper and press work alone for a book in oriental letters, would on an average be more than double what it would be in Roman and binding in the same proportion. This evil is incurable. The number of double and triple letters, one underneath the other, with the arkaphola, &c. above them, renders it impossible that the space now occupied by the native characters can ever be diminished so as to bear a comparison with the Roman.

2. The Roman character is likely to become more popular than the Nagari and Bengali, because it is so much easier both to read and write.

In the first place, it takes much less time to learn. In Nagari, when two or more letters come together, they are done up together in a strange kind of compound containing frequently very slight traces of either of the letters taken by themselves. These compounds amount to several hundreds. Without being familiar with them, it is impossible to peruse any book or writing, and they are each nearly as difficult to learn as a separate letter.

But when the same language is expressed in the Roman letters, each consonant retains its original form, however it may be placed in conjunction with others, and therefore when the learner has mastered the thirty simple letters, he may at once commence reading.

... circumstance, much more than any difference in the mode of tuition, accounts for the extraordinary difference in the length of time taken up by English and native children in learning to read. To read *fluently* in the native character is a still more difficult task than learning to read it at all. A native boy who is taught to read in the Roman character, will in the course of two or three months be able to read, without stopping, anything that is put before him whether he understands it or not, but a fluent reader in the Nagari or Bengali character is almost a thing unheard of. We do not pretend to be able to explain all the causes to which

this difference is owing, but such is undoubtedly the fact. It must be owing to one great cause, which is that the Roman character is a better one than the native. It is of course easier for the eye to become familiarised with only thirty, than with several hundred separate signs, and something must also be attributed to the stops and other marks with which the eye is assisted in reading the Roman character. These causes lie on the surface.

When from reading we proceed to writing, the superior convenience of the Roman character is more striking than ever. The Nagari and Bengali have, in fact, no running hand.\* To say nothing of the frequent occurrence of double consonants, which cannot be written without much delay and attention to exactness, the Nagari and Bengali alphabets consist of square looking characters which are totally unsuited by their shape from being written in quick succession, and if this is attempted, they become unintelligible even to the writer himself and still more to other people. It would be a much easier task to introduce the Roman running hand at once than to effect such a change in the Nagari and Bengali as would admit of their being written quickly and intelligibly. In the one case, we should only have to teach the use of a character which has been adapted by gradual improvements, made in the course of many centuries by the most refined nations in the world, to the purpose of quick and legible writing, and which is already extensively used in India both by Europeans and natives; while in the other, we should have first to change the character itself, and then to teach it to everybody after it has been so changed. If the Nagari were to be modified to the extent necessary for the formation of a running hand, it would in effect become a new character. The Roman, however, is far from being a new character, being already used by great and increasing numbers of the most influential classes in every part of India, and the Roman (*viz.* the English) running hand, is likely to be much more easily acquired, and to be much better suited for quick and legible writing, than any which we should be able to form by a sudden alteration of the Nagari. The proper transaction of the judicial and other public business, to say nothing of private convenience, depends, it will be remembered, upon the adoption of a character which can be quickly and legibly written.

3. Owing to the common use of one character, the student will be saved the trouble of learning a new character for each language.

Thus, for instance, in order to make full use of Mr. DeRozario's Dictionary, which is in three languages, the student has only to learn the Roman character; whereas, if each of those

\* Some time ago one of the teachers of the Hindu College requested one of the best Bengali copyists he knew to write as rapidly as he could in the native character while he wrote in the Roman. In thus writing against time the advantage in favour of the Roman characters was 2½ to one!

languages were expressed in a separate character, which is what the opponents of our views wish, he would have to acquire, first the Roman, then the Bengali and then the Nagari or Persian. In India, where so many languages prevail, the plan of having only one character must be allowed to be a great advantage. It is like having one master key to unlock a number of doors.

The student will now be able to turn at once from one language to another, without having first to perfect himself in a number of strange characters, and books which are printed in more than one language, (which must frequently be the case in India for a long time to come) will yet be expressed in one common character. Though it does not take long to decipher a new set of characters, it requires long practice to be able to read fluently in them. All who have tried the experiment (let others say what they will) know and admit this. According to the new plan, as soon as a person has learned to read fluently in one Indian language, he will be able to read fluently in all, and he will also see at once how far each new language corresponds with those with which he is already acquainted.

"If a book in Latin, English, French, Spanish and Italian were presented even to an unlearned Englishman, in the Roman character, he would readily perceive that numberless words, and roots of words, were the same in all; and would conclude that the study of one, two, or more of these might be a comparatively easy task, in consequence of this palpable radical similarity. But were the book presented in Roman, modern Gothic, old Gothic, Visigothic, and Lombardic characters, he could scarcely be persuaded that under forms so wholly different there could lurk any similarity at all, and the study would be regarded as forbidding and difficult, if not, a hopeless one. So actually stands the case in India; the number of *dialects* is immense: and each dialect has letters of a different figure. Let then a specimen of each be presented to an unlearned Hindoo: what must be his conclusion?—What can it be except that his country abounds with totally different languages? And if so, the attempt to hold any communication with natives not of his own province, is likely to be abandoned as hopeless. Now were the whole presented in the same character, it would be seen and felt that the natives are not divided into so many sections of foreigners to each other—that they have all *fundamentally* the same language—and that without much difficulty a community of interest and a beneficial reciprocation of thought might be effected to an extent at present unknown, and from the repulsive aspect of so many written characters, deemed utterly impracticable."

4. There is no accumulated literature in India which would be displaced by the general adoption of the Roman character.

If a new mode of spelling were to be adopted in Europe, it would affect millions of volumes printed according to the existing mode: but there is no such difficulty in India. The vernacular literature is quite in its infancy. It cannot boast of a single original work of any eminence, and the aggregate number of books composing it is so small, that they could early and easily be replaced

by the existing presses. The present state of native literature, therefore, opposes no barrier to the execution of the plan. There is no sacrifice to be made. We must at any rate construct a native literature almost from the beginning. What is now proposed is, to do this in a cheap and effectual manner.

5. The young are for the most part the class of persons who are to be taught the Roman character, and it is manifest that they can have no prejudice against it except that prejudice be instilled into them by their parents. But the latter have no prejudice to instil. They invite us to teach their children our language, and it would therefore be remarkable if they were to object to their being taught our character. Repeated declarations have been made, that the spectacle of their children reading their native language fluently in the English character has excited the surprise and pleasure of parents. The prejudices and alarms of which we have heard so much, are confined, as far as can be judged from any thing that has appeared, to the breasts of the alarmists themselves.

The single fact that a child of three years old has no predilection in favor of the Nagari or Persian letters is worth a thousand reasons. His interest and wishes (if he is capable of entertaining any on such a subject) can only incline him to learn the easiest character, whichever that may be. Now in teaching the youth, we are really teaching the whole people. The children of to-day will be the men of 20 years hence. If we can only instruct the young, (and among them all the Roman system when introduced, has been remarkably popular,) it is of little consequence as far as the progress of the plan is concerned, what the old learn or refrain from learning. Happily for India, the education of the most influential portion of her youth is at this moment in the hands of the English either in their public or private capacity, and the education of the whole nation (a glorious charge) is rapidly coming under their superintendence. The formation of the native literature is also under their control. We may, therefore, teach what we like in our schools, and supply what books we like to the youth who have left them. The systems taught in the national schools will, there can be no doubt, in time become the prevailing systems of the country. One school at each Zilla station would be sufficient to secure this result. When we consider that these schools are situated in the great towns, the seats of wealth and intelligence, that they will furnish most of the masters for the subordinate schools, and that the persons educated at them, are the children of the middle and upper classes who will hereafter exercise the greatest influence in society, it is clear that it cannot be otherwise. The Kusba and village schools, when they are established, will adopt the practice of the Zilla schools; the books printed in the Roman character will be generally read, and thus the system will soon pervade every part of the country. If it be

admitted that the establishment of one character in every part of British India would be a national benefit, and that that character ought to be the cheapest and best, and that which will most closely connect the languages of the East with European literature, there can be no doubt of our having it in our power to effect it. The Government seminaries alone, to say nothing of those supported by Missionary bodies and private individuals, will be sufficient for the purpose.

6. Large tracts of country are entirely destitute of the use of letters of any kind, and in others they are used so sparingly as to render the introduction of the Roman letters a matter of the utmost ease. The great tract between the Bramaputra and the Ningthi on the Eastern frontier of Bengal, and the great central space bounded by Bengal on the East, Hyderabad on the West, Cuttack and the Northern Sirkars on the South, and Nagpore and the Saugor territory on the North, are instances in point. The obstacles which are supposed to be so formidable in other parts of India, have no existence here. As no letters are used at present, neither old nor young can be prejudiced against any particular alphabetical system, however they may be against letters in general. There are also no books in any other character which would be rendered useless by the introduction of the Roman. As regards districts so situated, the question is one of abstract expediency. Every character will be equally acceptable to the people. The only point to be determined is, which is the best. The superior cheapness of the Roman character, its superior distinctness, the ease with which it may be written quickly and distinctly, and the connection which it establishes between every language expressed in it, and the literatures of the West, naturally lead to a decided preference being given to that character. The great Eastern tract between the Biahmaputra and Ningthi has been already inoculated with it at two points. A dictionary will shortly be published in the English Bengali and Manipuri languages, all expressed in the Roman character, and a press has been established at Sadiya, in Upper Assam, in which the preparation of a series of works in the Roman character in the languages of that quarter, has been commenced. A good press would print in one week ten times the number of books which are now to be found within 100 miles of Sadiya or Manipur. Whatever scanty literature there may be at present will soon be superseded by the productions of the English presses or will be adopted into them, and the numerous hill languages in that quarter, in which there are at present no books of any kind, will be expressed in one common, cheap and excellent character, instead of being parcelled out among the Bengali, the Shan, the Burmese or any others which may have their advocates as well as the Nagari and Persian. Except in the Cherokee language, for which a native Indian invented a new character, all versions of the sacred

scriptures and other books published in America for the Aborigines, (and they are by no means few,) have been expressed in the Roman character; nor have any diacritical marks been used, though sounds more crabbed cannot probably be found in any language on earth. The same has been done in the Sandwich Islands, and we believe in all the Islands in the Pacific Ocean and South Sea, the languages of which have been reduced to writing by the Missionaries. It was particularly satisfactory to the originators of the plan in India to find on a comparison of their system of orthography with that which had been adopted in the Sandwich Islands, that the two exactly corresponded. Both parties, though acting on opposite sides of the Globe, without any communication with each other, arrived at the conclusion, that in order to establish a perfect system, it was necessary to pass over the erroneous application of the Roman letters which had been made to the English language, and to return to their original powers in the Latin and Italian.

7. Our opponents are accustomed to argue as if we had undertaken an untried experiment. In fact, however, the experiment has not only been tried, but has succeeded, and that not in any foreign country the circumstances of which might be very different from those of India, but in India itself. In the upper provinces the vernacular language is generally written by educated natives in the Persian character, which is not the original native character, but a foreign innovation. Persian was the language of education, and educated people therefore naturally used the Persian character when they wrote the vernacular language. Precisely the same cause which led to the introduction of the Persian character is now operating, not only in the same, but in a much greater degree to introduce the Roman. The Mahomedans had no system of popular education. Those who could afford to do so, educated their children; but printing was unknown, books were very expensive, and no facilities were afforded for obtaining instruction either by the Government or by the voluntary associations of private individuals. But as we have now all these advantages, there is every reason to suppose that in the course of a few years, 60 children will learn English for one who used to learn Persian, and the tendency towards the introduction of the English character will be in the same proportion. It is impossible that the Persian character can stand when it has once been disconnected with the Persian language. It is radically bad both as a written and printed character, and the only circumstance which has given it currency, is that the Persian language is written in it, and that Persian was the language of education. When the educated classes, therefore, have ceased to use the Persian character, what character will they adopt? As before stated, the English language will not only take the place of Persian as the language of education, but

will occupy a much larger space than Persian ever did. It follows therefore, that the English character, which is every way worthy of adoption on account of its intrinsic excellence, will occupy the vacant place, and be extensively used by the upper and middle classes, and ultimately, it may with safety be asserted, by the body of the people.

Nor is this the only example of the successful introduction of a foreign character in the East. Amongst the numerous natives of Java, Amboyna and the surrounding Islands who embraced Christianity under the Dutch Missionaries, amounting to many thousands, the Roman character has been successfully introduced, and is to the present day universally read. The number who use it is so considerable that a few years ago a large edition of the Scriptures (3,000 copies of the whole Bible, and 3,000 additional copies of the New Testament) was executed for them at the expense of the Calcutta Bible Society.\* The general use of this character in these regions, so far as the influence of education is felt, must produce on the mind of every impartial observer the well grounded conviction, that in our position as the *national instructors of India* the friends of education have but to unite in the effort to introduce the Roman character, and they cannot fail of success.

8. Lastly, we may fairly deduce the continued progress of the system from the progress which it has already made. Three years ago it was only an idea—a mere thought, undigested unpromulgated, unredressed to practice. This germ has now grown into a system which is actively supported by numerous persons in different parts of India. The first difficulties have been overcome. The public is daily becoming more and more familiarised to the new letters. Several thousand books expressed in them have been already put into circulation, and several thousand more are now in the Press. All the books which were first printed were formed into a fund the proceeds of which are employed in printing other similar books; and, which is the most satisfactory symptom of all, private speculators and benevolent societies quite independent of the original projectors, have taken up the system and are actively engaged in the preparation of new books. The Government Education Committee has hitherto very properly remained neutral. It is always safest for Governments rather to follow public opinion in such matters, than to attempt to lead it themselves. No obstacle, however, is opposed by the Education committee to the progress of the plan, and if the Local committees wish for books in the Roman character, they are left at perfect liberty to supply themselves with them.

The introduction of one character instead of the many now used in the British territories in India, is acknowledged to be most desirable.

\* At Amboyna alone are 20,000 persons, who universally use the Malay Scriptures in the Roman character. See letters of Dr. Carey as per accounts of the Baptist Missionary Society Vol. V. 7.

This being granted, however, the question arises, *which shall be adopted?* Of the native characters in this Presidency (to say nothing of Madras or Bombay) we must adopt the Bengali, the Deb, or some one form of the Kaithi Nagari, or the Persian, or Arabic, or the Uriya. As a *universal* character for India, no one has yet proposed to us to adopt the Bengali or Uriya; and some few who recommended the Arabic or Persian have now given that up. The only question regards therefore the comparative advantages of the Roman and the Nagari. Now regarding the Nagari character it is a fact, that some years ago when Government proposed to print an edition of the Regulations in the Hindi language, they sent to the principal officers of Government throughout the upper provinces, specimens of Deb Nagari and of Kaithi Nagari printing in the most approved types, and requested them to ascertain which of these characters was generally understood by the people under their authority. The general reply to the circular was to the following effect, that while many individuals, for the most part Brahmins, were found in each district and large town, who could read with comparative ease the Dehnagari character, it was read by the people generally in no district whatever; that the character of business was the Kaithi, but that this was so different in different districts (as each one will find for himself who will compare the chits and hundies he may procure from different parts of the country) that they could recommend *no form of the character whatever* which would be generally understood. Under what obligations then are we to introduce a character possessing none of the advantages of association with the rulers of the country, or with the great majority of the population, when we have the opportunity of teaching in our schools what character we please.

The truth is that the Roman character is not only the best of those which are at present used in India, but may be brought into general use with much greater ease than any of them. We have seen that even in those British provinces in which Deb Nagari is most prevalent, it is confined to a small minority of the educated class. The great majority of those who can read and write, use the Kaithi; Persian or other characters. In any case, therefore, before one character can become general, the majority must learn some character of the minority; and of all the different characters which are now used, the English is the easiest to learn, and is the one to which the influential classes (who formerly learned Persian, but now learn English) will soon become most attached. A Persian Amla, and still more an English school boy, would certainly prefer the English to the rugged infatigable Nagari character. In Bengal and the whole of India south of the Nerbudda, the case is still more decidedly against the Nagari. Here it is not used by any class of persons. Both the vernacular, and the learned languages are written in a provincial character, which in most cases bears no resemblance to

the Nagari. An attempt, which was supported by all the wealth and learning of the College of Fort William, was once made to introduce the Nagari letters into Bengal, but as the plan was not recommended by any practical benefit (the Nagari letters being rather less, than more convenient for printing and writing than the Bengali), it ended in failure.

But how stands the question regarding the Roman character? English is rapidly becoming the language of education from one end of India to the other. This character, therefore, is every where known. It is the character used in keeping a great proportion of the public records and accounts. It is used in all the higher order of schools. It is used by all persons who have received a liberal education. There is little occasion, therefore, for teaching or propagating this character. It is already taught and propagated and is every day coming into more general use. Every native who receives a tolerable education learns it by learning English, and it would be a saving of time and labour to him to use it also in writing and reading his native language, instead of learning other, and more difficult, and less convenient characters for that purpose. All that is required to be done is to prepare books in the native languages and Roman character, and to introduce them into our schools. Provided this is done, the convenience of the educated classes, who everywhere determine the nature of the literature of a country, and the real superiority of the Roman letters over every other at present in use in India must ultimately settle the question in their favour.

The only hope, it appears to me, of the people of India ever becoming an united people, is by their being inoculated at all points by English literature—by their all being recast upon the English model; and if this be admitted, it must also be allowed that the general adoption of the English character would be a very essential aid. This character admits of the introduction of European terms, and consequently of European ideas, much more easily and correctly than any other. As there would be only one character for the whole of India, those terms would be everywhere uniformly spelt. The new literature of India would commence, as far as possible, upon a common basis. All its different tribes would have the same learned language, the same written and printed character, the same scientific terms. The tendencies of this state of things would all be in favour of uniformity. The vernacular languages very much resemble each other at present, and when they are

expressed in a common character and enriched from a common source, they will every year become more and more like each other. The mass must certainly become leavened and amalgamated more speedily after all its different parts shall have been united by the bond of a common character both among themselves and with the source whence they are to be enriched; to which must be added the advantage of having a cheap, an easily learned, an easily written, and a distinct and easily read alphabet, to serve as the medium of the national literature, instead of others which are very deficient in most or all of these respects.

I am aware that there is much repetition and desultory writing in this paper, for which I hope I may be excused, but I think that those who have had patience to follow me, must allow that it would be a great national benefit if one character could be brought into general use in India; that the Roman Character not only offers greater advantages, but might be more easily diffused than any other; and that if the European community would only assist to the extent to which they find that they carry the native feeling with them, its general introduction is perfectly feasible. The *Friend of India* calculates (not incorrectly, I think) that there are about one million of persons in Bengal who are able to read, and as the population of the Upper Provinces is supposed to be about equal to that of Bengal, there would, at this rate, be about two millions of persons in the British dominions on this side of India who are able to read. These, it will be remembered, are all grown up people, and the place of those who die off, is supplied by the newly educated youth. But the education of the youth is already in a great measure in our own hands, and is daily becoming more and more so. If the children be taught for a few years the Roman character, those who are left will make a lean minority. Even now there are about six thousand youths educated at the Government seminaries alone. When a school is established at each Zillah Station there will be sixty thousand, and when proceeding a step further, we establish Kusba and village schools, there is no saying how many we shall have under instruction; and even to these must be added, those who will be educated at the Missionary and private establishments, and those who will be instructed in their own families or at native schools, by masters and books supplied by us. In one way or another, nearly all the readers of the forthcoming generation will be taught by European benevolence, and it is therefore preposterous to say that we cannot, if we like to do so, generally introduce any character, and still more one which has so much to recommend it from its cheapness and intrinsic excellence, and from the opportunity which it affords of closely connecting all the native literatures both among themselves, and with the literature of Europe. Nobody can be the worse for the change. The number of persons who will use

\* In the account which the Burmese Embassadors wrote of their mission English names were disfigured in such a way as to render it difficult to trace them; in explanation of which Colonel Burney observes, that "it is impossible to write many of our names in the Burmese character, particularly those having double consonants." It will at once be allowed that if the Burmese language were expressed in the English letters, which admit of double consonants, this difficulty would be in a great measure removed, and the same would be the case in a more or less degree in regard to every other Eastern language.

the old characters will annually diminish, and as every good book will be printed both in the old and new characters as long as there is a demand for it in both, even they will not be subjected to any inconvenience. Were it otherwise, it would not be right to condemn posterity to the perpetual use of an inconvenient and expensive character for the sake of a portion of the present existing generation which is annually diminishing in number, and will soon entirely pass away. But in fact, the general introduction of the Roman character will deprive nobody of any thing. It will be a free gift without any corresponding sacrifice.

The advocates of the Roman character ask but little. They prefer no exclusive claims. "Fair play and no favour" is their full demand. Let the native character of each province be taught to all the youth in our schools, that they may be qualified to read and understand any thing either written or printed which may fall in their way; but let them be also taught the Roman character, as applied to the Indian languages, and furnished with books in that character, (they will always be twice as cheap as in any other) as rapidly as they are needed and prepared. To this the advocates of the native characters ought not to offer any objection, since while it gives the pupil a knowledge of a character which must be acknowledged desirable for him to acquire, it also affords him the opportunity of deriving every advantage as to bodily support or mental improvement which a knowledge of the old characters can afford him. A process of this kind would shock no feelings, would effect no injury, would entail no expense, and yet would gradually melt down all the native characters into the Roman, the "consummation devoutly to be wished."

Are we ever to have, even in the countries under British influence and Government, so many characters? Are we never to make this approximation to union of language and feeling which a common character affords? Must literature and literary men to the remotest ages be subject to all the confusion, difficulty, and expense that now embarrass us? All will reply, no. In time we must do as in Europe; but many say, we must wait a fitting season? What season so fitting as the present; when an entire literature is to be formed, and almost an entire population taught to read? When nothing is to be lost, and when scarcely any are to be incommoded.

This being granted, which character shall be adopted? The whole tenor of this paper goes to answer that question. Indeed it will seem a marvel fifty years hence that ever it could have been made a question. Let us then adopt that character which will multiply oriental scholars, smooth the path of learning, save an expense of millions, and hasten by ages the spread of science, morals, and religion.  
- *Hurkaru*, November 1, 1836.

#### ROMANUS.

*To the Editor of the Bengal Hurkaru & Chronicle.*

SIR,—The accompanying paper is extracted from the December number of the CALCUTTA

CHRISTIAN OBSERVER, this moment received. It is, I am given to understand, the production of an intelligent public officer in the Mofussil, who has been till now a silent, though you will soon perceive, not an unobservant, spectator of the important controversy which has been lately going on in the various periodicals, with regard to the progress of the English language and the Roman character in India. Exhibiting, as it does, much cool reflection and diligent research and written, as it is, in a clear and agreeable style, I feel persuaded that your readers will peruse it with interest and pleasure. While soliciting its early insertion in your columns, I would commend its statements to the enlightened judgments of our readers and yourself, with the hope that they may aid in making you fully satisfied of the *practicability* (as I believe you all are of the *immense advantages*) of the speedy introduction of the Roman character throughout this vast country.—*Hurkaru*, Dec. 7.

I am, Sir, your obedient servant,

#### A FRIEND TO INDIA.

#### THE ROMAN CHARACTER AND THE ENGLISH LANGUAGE IN INDIA.

*To the Editor of the Calcutta Christian Observer.*

SIR,—A writer in your journal, under the signature of L. W., avows himself "somewhat surprised and concerned to observe, that there is still one man among your correspondents so far blinded as to uphold the Roman character as the best means by which the people of India are to be educated." At the risk of being numbered among the blind, I will venture to offer a few remarks on L. W.'s views and arguments; and without pretending to put myself forward as the advocate of the Education Committee, so able to defend themselves, I take up my pen, I confess, with a very friendly feeling towards the Romanizers and their system.

L. W. has blended together two questions perfectly independent of one another; ~~THE~~ the Romanizing system, and the introduction of the English language as a means of education in India. Besides this mistake, L. W. has, I believe, made another in supposing that any one advocates the *exclusive* teaching of the Roman Alphabet, or the exclusive adoption of the English language for communicating to the people of India the *elements* of knowledge.

Should there be no such thing in the world as the English language, it would be no less desirable on that account to have, if possible, one alphabet brought into common use (as there is now in a great measure one language) from Cape Comorin to the Himalaya, and from the Barramputra to the Indus. And it may, perhaps, be contended that even then it would be advantageous to give to the Roman alphabet a preference over any of those used in this country, in case sufficient means should exist to promote the success of such a choice. That it is indeed a great desideratum to have *one* character brought into general use all over India, is, I believe, allowed by every one. This country presents the very great anomaly

of people speaking the same language, able to write it, and still incapable of reading each other's letters. The Nagri letters, besides that they are far from being so extensively used as the Hindustani language, notwithstanding a certain family likeness, are so very different in different districts as to be frequently almost illegible at a few miles from the place where they are in common use. This circumstance is a powerful obstacle to the education of the people. A book printed for one district can scarcely be read out of it. Of course this increases tenfold the expences of education, and it should not to be wondered at, if, in such a state of things, zealous and enlightened friends of popular education should have thought that a small proportion of the limited pecuniary means put at their disposal by Government, should be devoted to the teaching of the Roman alphabet. But it is very far from their intention to exclude by this means the native alphabets, which will continue to support themselves as they have done hitherto. The adoption of the Roman alphabet would without doubt ultimately tend to the abandonment of the Nagri, &c. but this will only take place in the course of time when they have become useless, and no one wishes to hasten by violent means the moment of their natural demise.

L. W. regards "the adoption of the English language as a means for educating the people of India, as equally irrational and impracticable a scheme" as the Romanizing system. It would be indeed an irrational and impracticable scheme if English was intended as a *direct and exclusive* means for popular education: but the English language is merely proposed as a sort of substitute for Persian, Sanscrit and Arabic; as a *learned* language, better calculated than any of the three mentioned, to open to some of the most talented among the followers of Braham and Mahomet, the high-road to knowledge; and will *through* them, by means of translations into the vernacular languages, bring the treasures of modern science within the reach of their countrymen. The vernacular languages of the country (by which I mean the languages in *common use among the people*) are almost totally unfitted in their present state to convey any sort of scientific information. They require assistance for that purpose from some foreign language, and none could better afford it than that of the rulers.

To return to the Romanizers: their case seems to be simply this: They contend,

1st. That it is desirable to adopt a written character which may be brought into general use all over India.

2ndly. That the Roman character offers on the whole the greatest advantages, and ought to be preferred.

3rdly. That it is practicable to bring the Roman character into general use all over the country.

On the first proposition every one seems ready to agree, should the desideratum be not attainable.

To support the second, which has met with some opponents, it is maintained, that, 1st, a

man may be taught to read and write the Roman character in less than half the time necessary to teach him to read a Persian letter\*: 2ndly. The Roman character admits of being written much more quickly than the Nagri or Bengali: 3rdly. The Roman alphabet, with a few easy modifications, may be made more philosophical than, and in every respect much superior to, any of the native alphabets, over which it has already the immense advantage of punctuation. 4thly. Books may be printed in Roman letters at much less cost than in Persian, Nagri, or Bengali characters, and this advantage is likely to be permanent. 5thly and lastly, The adoption of the Roman alphabet would facilitate to the natives the study of the English and other European languages.

But all the conservative zeal of the anti-romanizers has been chiefly exhibited in their outcry against the *practicability* of the reforming scheme.

Here I believe a confusion of things essentially distinct, a complete misconception of the subject, has greatly contributed to perplex a question otherwise plain enough. People have been objecting to the introduction of a foreign character in India, as if it was liable to meet with the same difficulties, or rather impossibilities, which the attempt to introduce a foreign language would have to encounter.

The introduction to common use of a foreign language in any nation has never succeeded. The experiment has been repeatedly tried, but the only result was, after excessive trouble and inconvenience to the people, and the lapse of many centuries, a mixture of the vernacular and the foreign language, a sort of compromise between them, which slowly made its way from the upper to the lower classes, with more and more of its vernacular physiognomy as it went lower down the social scale. The Hindustani English and perhaps almost every language among the most polished on the surface of the earth, are proofs of this.

The insuperable obstacle to the introduction of a foreign language in a nation is, that to *learn* it, it is necessary to *study* it, while most people have neither time, nor disposition, nor means for such a study, or to study at all. The native language they learned without any thing like labor or application: in fact, they are no more aware of having ever been under the necessity of its being taught to them, than they are of having learned to *see* and *walk*. To try to get such men to learn a foreign language is quite a hopeless task; it would be imposing an intolerable burden upon men who do not at present nor can in any possible case bear any thing of the kind.

It is quite different with reading and writing. It requires in every circumstance study and labor to learn both. If you make it advantageous to a man who can neither read nor write, to learn reading and writing, and if you supply him with means to do so, it can-

\* Several Native Persian scholars have told me, that it required in general at least four years to a boy, after he knew the language, to enable him to read fluently a Persian letter.

not but be a matter of perfect indifference to him which alphabet he will be taught, except as far as one may be easier to learn, or more likely to suit his purpose. If there are two alphabets in common use to write his native language, he will probably learn both if he can, beginning with that the facility or superiority of which (or utility to him) is most apparent.\*

Unlike the introduction of a foreign language, the introduction of a new alphabet has been many a time attempted with success, and I might quote as instances almost all the alphabets now in use. Instead of being an impracticable scheme, it seems to be one of no very difficult execution, and which cannot, I confidently believe, fail to be successful in this country, if encouraged by Government.

Should Government come to the determination of substituting romanized Hindustani for Persian, as the language of the Courts, it might, I submit, be easily and legitimately done in something like the following manner, which would hasten by a good many years the possibility of a change, which would without doubt be ultimately an immense benefit conferred on the people of India.

It might be enacted that after a certain number of years, say ten years, no Government officer, now expected to read and write Persian, should be appointed, no vakeel should be admitted to practise in the courts, unless in addition to the Persian alphabet they were also familiar with the use of the Roman letters. To this should be added that fifteen (or twenty) years after the new regulation should have come into operation, every part of the public business should be carried on in romanized Hindustani, and every public functionary, not able to do this, might be permitted to retire on a pension.

Some means might be taken in the mean time to facilitate and promote the study of the Roman alphabet, and to keep in practice of it the Government officers appointed under the provisions of the supposed new regulation. Should any such thing be done, as I have here ventured to suggest, I have little doubt that, after thirty or forty years, few men in the country, able to write their own language at all, would be found ignorant of the roman alphabet—especially among the immense number of those whose ordinary language is Hindustani.

It may certainly be objected, that there are in India several millions of people who do not know a word of Hindustani. This is unfortunately the case, but this is not sufficient perhaps to take from the Hindustani the right of being considered as the language of India.

\* It would scarcely take more time to a boy to learn together both the Roman and his native alphabet than to learn only the latter. The chief difficulty is to get, all over the country, masters able to teach both alphabets; but this, with proper encouragement, might be done. I believe, in the course of comparatively a few years.

† I believe one or two hundred rupees a month allowed by Government in each district would go a great way towards the encouragement of the romanizing system, if that money was judiciously employed in the purchase of books, and premiums to the masters.

—a right which no doubt belongs to it rather than to any other language known in the country. Not a very small part of the British and French people are at the present day (and a much greater proportion were a century or two ago) unacquainted with any other language but their provincial dialects, or a corrupt jargon scarcely intelligible out of their provinces.

Whatever any one may think of the present controversy, let him not mix together and confuse several questions which should be kept entirely distinct.

1st. The introduction of the Roman alphabet into common use all over India.

2nd. The adoption of the Hindustani language to carry on public business over the whole country.\*

3rd. The substitution of the English language for the Sanskrit, Persian, and Arabic, as a means of opening to the natives of India the best available road to knowledge (in the present circumstances,) and so getting with the shortest possible delay a sufficient number of competent translators who will communicate to their countrymen, through every dialect in the country, the information they will have acquired by means of the English language.

4th. A measure said to have been, perhaps to be still, in the contemplation of Government; viz. the introduction of the English language into the Courts instead of Persian.

I do not hesitate to avow myself a decided advocate of the three first propositions, taken either separately or altogether, but as decidedly opposed to the fourth, which has in it no advantage whatever to make up for the immense trouble and inconvenience it would occasion to the people in general, for the oppression it might lead to, and for the mere act of downright tyranny which would attempt to impose on a nation of 100 millions of men the language of a few thousand conquerors†.

A few remarks, en passant, on some of L. W.'s objections and I have done.

"How are we ever to expect," says L. W. "that the Brahmins, the Astronomers and Astrologers, Rājās, Devāns, Saukās, Patels, Patwāris, Zemindārs, will abandon what they have been used to from childhood and found sufficient for every purpose, or what they revere and believe to have come from heaven, for characters that cannot express with the same precision the required sounds, and are there-

\* The change lately made from Persian to romanized Hindustani in the Upper Provinces is an important step towards improvement in this respect. Such a change might be made with little inconvenience and difficulty over the greatest part of the country in one day. This would in the opinion of many, preclude the expediency of any further change; but it should be remarked, that the preference given to Persian over Roman letters, for the ultimate change, would be advantageous only to that part of the present generation who will have to learn Persian under any circumstances. Should the great benefits to be derived from a thorough reform, or complete change of system, be given up for such a temporary and partial advantage?

† Such a change would be a curse upon the country. It would discourage the study of its vernacular languages, and delay the complete civilization of India for I do not know how many centuries.



fore, in their estimation, inferior to their own\*."

This is a complete misrepresentation of the question: None think that the *rājās, astrologers, &c.* will abandon their own characters, and adopt the exclusive use of the Roman letters. We have no expectations from those people,—it is on the young and on the generations to come we rest all our hopes of improvement. Every one will rejoice at the instances given by *L. W.*, of people being induced by sound arguments, conveyed to them in their native tongue and through the medium of their own letters, to give up a favourite but erroneous system of astronomy for a rational one. But this has nothing to do with the subject under discussion†.

As to the pretended inability of the Roman letters "to express with the same precision the required sounds," does *L. W.* require to be told that the characters of every alphabet have no sounds but those which common consent has attached to them, and that the same letter of the same alphabet may, and frequently does, represent in different languages (or even in the same language) very different sounds indeed? Would not *L. W.* laugh with contempt at a European foreigner, a Frenchman or an Italian for instance, who would pretend to prove that *his* alphabet could not be used for the English language, because none of its characters can express or represent with precision the English sound which we represent by them?

The high-minded *INDOPHILUS* and his worthy friends will not, I am sure, be deterred by such opponents from persisting in their laudable and enlightened labours in the cause of Indian education, and they will continue to follow the course they have adopted. There are men, otherwise highly respectable indeed, whose minds seem as it were dazzled by any sweeping scheme of reform. They immediately condemn it as visionary, irrational, unpracticable, apparently for the very reason which recommends it to others—its perfection. Like the *Hindūs*, though no doubt ready enough to inveigh against the proverbial apathy of that people, they are content with things as they are; and believe themselves very liberal indeed, if they are willing to go on in the road of human perfectibility at the same slow rate which brought them to the point they have reached. But the march of improvement will not be delayed by them; like a body falling to the earth, it increases in impetus and velocity as it proceeds in its course.—*Hurkaru, Dec. 7.* F. B.

\* It is worthy of remark, that the first part of this sentence includes the substance of the objections which we may naturally suppose to have been made by "wise and learned" men of old against the first attempted changes from the symbolical to the phonetic alphabets. If the radical reformers had not prevailed, the human mind would have remained in its infancy. They succeeded: we now bless and enjoy the result of their enlightened labours, but no doubt they were at first severely rebuked for their presumptuous and "thoughtless inexperience."

† How very ridiculous, by the bye, to speak of the feelings of the natives in favour of languages which they will not study without being paid for it!

To the Editor of the *Bengal Hurkaru & Chronicle*

DEAR MR. EDITOR, — I avail myself with pleasure of your offer to admit into your columns all papers on the subject of the "Romanizing System," and trust these few hasty lines may not be deemed unworthy of insertion. Should the system now in operation for substituting the Roman for the original character of the languages and dialects of India, have many approvers and supporters among able Oriental and English scholars, it is much to be regretted that they do not, at this time, favor us with their full sentiments on a subject of so much importance to the rising generation of the natives of this country. Does silence in this case imply consent to, or dissent from the ultra Roman (-tick) views of C. E. T.? But to come to the subject, I must beg leave in the first place to doubt the accuracy of some of the points (secondary in themselves) which C. E. T. arrays in favour of the Roman character. He talks of the "facility with which the character may be written quickly and legibly"—this must depend in some measure on the simplicity or otherwise of the symbolical characters substituted; nor was I aware that the vernaculars of India did not admit of being written quickly and legibly in their respective characters. C. E. T. speaks next of the "distinctness of its printed character." Can any print be more distinct than that of the Arabic, Persian, Sanscrit, Hindu and Bengalee, &c. characters, if well printed? He vaunts, thirdly, of "its capability of compression." There are, I think, no want of specimens of works in *written* as well as *printed* characters in all the above tongues that would scarcely admit of equal compression if put into the Roman character; take, for example, sundry volumes of the Eastern classics which have been published by the Asiatic Society.

The above, though ranked first and foremost by C. E. T., are all points of minor importance when compared with the following: Will you be enabled to convey to the student a correct pronunciation and a sound radical knowledge of the languages and dialects of the East through the medium of the Roman character? In words for instance properly Arabic, but constantly introduced into Persian & Hindustanee &c. where the rules of pronunciation coalesce, transposition and rejection of sundry vowels & consonants come into operation, would there be no difficulty in imparting to the young Romanizer a thorough & radical knowledge of his language by means of the Roman character? It is needless to multiply examples; but you will, I think, find, Mr. Editor, that almost all the most able judges of the applicability or otherwise of the Roman character to Oriental languages will agree in deciding that the languages & vernaculars of the East do not admit of being taught effectually through the medium of any other than their own proper character. But suppose, for argument's sake, that the system be attainable in practice, what are the obvious advantages of it? I have already said above that a doubt may be said to exist of its superiority in some points, over the original character. C. E. T. says "if all the Indian dialects were presented in the same English character, i

could be seen and felt that the natives are not divided into so many sections; that they have all fundamentally the same language, and that without much difficulty a community of interest and a beneficial reciprocation of thought might be effected to an extent at present unknown." Now it will, I suppose, be granted, Mr. Editor, that the more thorough knowledge an individual may be able to attain of the Indian languages and dialects, the better enabled he will be to judge of their affinity and correspondence to each other. Again, I should suppose, it will be granted, that in the case of the study of a *single* language or a *single* dialect, a preference is to be given to the study of that language or dialect in its original character; that there is, moreover, something in the study of a language in its own peculiar character that fixes it more indelibly on the memory than when acquired through a foreign medium; and further, that there are peculiarities about all, and more particularly the Eastern languages in their inflexion, &c. which, if attainable at all, are at least not to be so well and soundly acquired through a foreign character as by the study of them in their own: If these premises be correct, then I leave it to you, Mr. Editor, and your readers, to say by which of the two modes of study the native community are to be most effectually convinced that they have all fundamentally the same language, by the study of the languages and their dialects in the *original*, or the *Roman* character? Will a community of interest and a beneficial reciprocation of thought be engendered and increase in proportion as the means of attaining a thorough and fundamental

knowledge of the languages, which are to beget such interest and reciprocation, decrease? Is the simple circumstance of viewing the various languages and dialects dressed out in the *same foreign* character to bring about all these desirable ends? I humbly surmise not.

The fact is, Mr. Editor, that C. E. T. is commencing at the wrong end, if his object is to educate the body of the natives, (instead of raising a number of jargonists among them) I mean to lay a solid and lasting foundation on the which to introduce the literature & science of the West to the natives of India: let him labour to diffuse far and wide a knowledge of the other languages and standard dialects of the East, and when the learned natives of India, shall be reading such works as "Adam Smith's Wealth of Nations" in the original Sanscrit, and have effected translations of such works as "Bentham's Constitutional Code" into the several dialects, for the benefit of their less learned brethren, then let C. E. T.'s great grandson commence to Romanize all the languages of the East, and Persianize all the languages of the West if he pleases. In conclusion, Mr. Editor, let me intreat of you, if you are not afraid of administering a rather powerful antidote to all the incipient Romanizing proselytes of C. E. T. to publish in an appendix *extraordinary* to your daily journal the two sheets, appended to John Borthwick Gilchrist's Introduction to his "Hindustanee Philology," entitled. The "Hindee Roman Orthoepigraphical Alphabet, &c." The "Panglossal Prospectus and Orthoepigraphical Dideraga. *Hurkaru*, Dec. 20.

I remain, your most obedient servant,  
December 2, 1836. AN ORIGINAL.

## THE SALT MONOPOLY.

Since submitting to the Committee on the 4th of July, my written statement respecting the Salt Monopoly, I have perused a supplement to the collection of papers relating to the Salt Revenue. This document, published in January of the present year, at Calcutta, by order of the Governor of Bengal, is entitled to a few remarks, which I beg now to submit to the Committee.

The opinions and doctrines advanced by the Board of Customs, in 1833, are maintained in this more recent publication, and, indeed, considered as having received no answer from the Advocates of an open trade in Salt. In proof that six seers or twelve pounds of salt per head is an adequate allowance for the whole population of Bengal, reference is made, by the Board of Customs, to the supposed consumption of the convict population of our Australian possessions. (a) The Board fancies that this consumption is about six pounds, eight ounces per annum, for the settlement of Sydney; and the discovery is brought twice under the notice of the Indian Government, under the designation of "a curious fact." On due examination, however, I think the sup-

posed average consumption will be found to be no fact at all. I believe the allowance of two ounces of salt per week, will be found on enquiry to apply chiefly to rations consisting for the most part of salt meat. Much of the meat delivered to the convicts, both in New South Wales and Van Diemen's Land, has always consisted of salted provisions; and, indeed, in the very extract given, by the Board itself, salt pork is expressly named, without its being mentioned, whether the beef or mutton be salted or otherwise. But, the question is put beyond reach of conjecture by the official statement of Commissioner Bigge, and which is as follows:—"An allowance of two and a half pounds of salt is made for every hundred loaves of bread, and half a pound of salt is allowed to each man per week, when fresh meat is issued." (b) Instead, then, of six pounds, eight ounces, as the Board of Customs imagines, the consumption of each convict, exclusive of the salt in bread, is twenty-six pounds: each convict is allowed two pounds of bread per diem, (c) and the salt in this ra-

(b) Report of the Commissioners of inquiry into the state of New South Wales; ordered by the House of Commons to be printed 19th June 1823; page 65.

(c) Commissioner Bigge's Report? page 64.

(a) Supplement to the Collection of papers; page 66.

tion per annum will amount to four pounds eleven ounces; so that the total consumption of the male adult convict will amount to above thirty pounds. Thus, his consumption is between four and five times as great as that erroneously supposed by the Board of Customs. The consumption given by the Board, the Committee will observe, does not differ widely from that which I have given for the work house of the Parish of St. Pancras, or six pounds and six ounces, but which excludes the salt contained in butter, bacon, and bread. The thirty pounds of salt and upwards, used by the adult male convicts of New South Wales, is, of course, not the average consumption of the colony, but would be reduced by the smaller consumption of aged men, infirm persons of both sexes, women and children. On the average of the two years 1832 and 1833, the importations of salt into the colony of New South Wales amounted to 36,813 bushels. This, divided by a computed population of sixty thousand (d) would give an average consumption per head exceeding 34 pounds. The export of salt is a mere trifle, not worth naming, but there is a very large exportation of salted provisions over and above what is imported; most of which, however, is again consumed in the Australian fisheries, and therefore generally by persons comprehended in the population of the colony. There is also a local manufacture of salt, not included in the quantity above given; so that, perhaps, the 34 lbs. is not an exaggerated average after all. But it will be recollected, that a great part is a government expenditure and therefore a profuse one, and that much is probably consumed by horses, sheep, and black cattle; the proportion of which to the population is perhaps greater than in any other country where cattle are properly attended to. Upon the whole the error of the Board of Customs is pretty much of the same nature as if they were to argue that on Board a man-of-war, little or no salt was consumed, because no ration of it was served to the crew.

Many pages of the supplemental salt paper are expended in endeavouring to prove the impracticability of importing salt from England. On the evidence exhibited by Mr. Reid, before the House of Commons, in 1832, it is attempted to be shown by the Board, that the cost of importing salt, with a profit, from Liverpool to Calcutta, exclusive of duty, will amount to about 44 rupees or £4 8s. per ton. Mr. Reid stated that he had been offered freight for Calcutta, at twenty shillings per ton; but, that he thought two pounds a fair average rate for calculation. The Board of Customs thinks Mr. Reid's highest rate "much too low." (e) Suppose to these hypothetical statements, the result of actual experience; viz. the price of foreign salt at Sydney, as it is exhibited in a series of Price Currents weekly

from November 1835 to March last, which I have lately inspected. These differ only by small fractional parts, and therefore I shall give only the latest of them; that of the 3d of March; which is as follows:—

	£.	s.	d.	£.	s.	d.
Liverpool, ..... per ton....	2	0	0	2	2	0
St. Ubes, ..... ditto. ..	1	5	2	1	10	0
American, ..... ditto. ..	1	5	0	2	0	0
Bay, ..... ditto. ..	2	0	0	2	3	5
Basket, ..... per dozen 0	4	0	0	4	6	

The voyage from England to Sydney is probably about one-fourth part longer than the voyage from England to Bengal; nor are the returns from Sydney by any means so favorable as the returns from Bengal; for many of the outward bound ships are obliged to go to China and the various ports of India in search of cargoes; yet, under all these disadvantages, the market price of salt at Sydney is less than one-half of the estimate of the Board of Customs, and does not exceed the mere freight estimated by Mr. Reid, and which the Board of Customs fancied was "much too low." The facts I have now stated, must, I think, be considered as a corroboration of the opinion I formerly offered to the Committee; when I stated that I was convinced, we should "deceive ourselves, if we attempted to calculate the charge of exporting salt from England to Bengal by an ordinary estimate of freights, charges, and profits, without reference to the peculiar circumstances affecting each speculation."

The Salt Board, according to the supplementary paper, appears as much alarmed as ever at the notion of establishing an excise on salt. "The idea of an excise, in this country," it says, "has always appeared frightful to all who have considered the instruments, which, unfortunately, we should be forced to employ in its maintenance." "The ablest men," it adds, "who ever reflected upon the subject, have deprecated any attempt at the introduction of such a system." The Board then quotes the opinion of the Finance Committee of 1809. Its opinion, however, against an excise, I must beg leave to observe, apply to a general system throughout the possessions subject to the presidency of Bengal, and not to an excise, upon one well defined article, confined to one part of the country. Attached to the Report of the Finance Committee there were, no doubt, some very eminent names; but, I cannot think that either the opinions or recommendations of the Committee can be considered upon this particular question to be entitled to much regard; for it was this very Committee which recommended the existing system of Town and Transit Duties; a system unproductive of revenue, and justly characterised as constituting an universal system of excise of the worst description. (g.)

A great portion of the supplement to the collection of papers is employed in endeavouring to point out the difficulty or the im-

(d) By the Census of 1828, the population was between thirty six and thirty seven thousand, and is supposed to increase at the rate of four thousand per annum.

(e) Supplement to the Collection of Papers; page 101.

(g) Mr. Trevelyan's Report; Calcutta 1834

practicability of establishing an excise on salt in Bengal; but, I am really at a loss to discover a single fact or argument against an excise which may not equally, and, in fact, still more decidedly be urged against the system of monopoly. Under the latter, the same class of officers is employed; the same kind of expense incurred; the manufacture much more extensively diffused; the revenue, without making any comparison, precarious and declining, and the Government not only a tax gatherer, its proper function in this case, but also a manufacturer and a trader. One of the objections urged, is that the Molunghee or manufacturer could not be expected to advance the tax upon salt, seeing that he now requires the aid of government in the shape of an advance, even for carrying on the manufacture. The answer to this is obvious enough; that, in India, no considerable manufacture at all is conducted without advances, either from the Government or from some one else. It is not the mere artisan that, either in India or in any other country carries on any considerable manufacture, but a few capitalists. In Bengal, the Indigo manufacture is carried on by a few dozen persons, native and European capitalists, who are compelled to make advances to the cultivator for plant, and even for the rent of land for growing plant; yet the Indigo manufacture is about double the value of the whole boiled salt of Bengal; tax and all included. The same is the case with the manufacture of lac dye, and even of sugar fit for exportation. In proportion, as the manufacture is improved it requires larger masses of capital to carry it on; and, consequently, falls into the hands of a comparatively small number of persons. In the case of the manufacture of the salt, this condensation is fictitiously advanced by the addition of the tax to the natural cost of production. Indeed a further condensation is produced by the restriction of the manufacture to those places in which the manufacture cannot only be most cheaply conducted; but, also where the tax can be most conveniently collected. There will be no necessity then, as anticipated by the Board of Customs, for levying the excise on Salt from many thousands of manufacturers.

The only danger will be that they will be too few, as happens with every heavily taxed commodity subject to much regulation as the excise on glass, paper, and soap in this country.

In the event of an excise duty being established in Bengal the Board of Customs seems to consider it as a matter of certainty that "for every maund of salt that would pay excise duty, two maunds would be smuggled." (h) I must, with submission, consider this affirmation as a mere begging of the question and this upon the most slight and untenable grounds possible. An author quoted by the Board, Sir Thomas Barnard, makes an assertion that one-third only of the salt consumed in

England paid duty; or that out of a consumption of 150,000 tons, 50,000 only paid tax. I really cannot bring myself to think that the round and isolated assertion of an author, who wrote 20 years ago, and who is very far from having a reputation for accuracy, ought to be taken by a public Board as an admitted fact worth arguing upon. This round assertion, in round numbers, however, contains, in fact, internal evidence of exaggeration and error. A consumption of 150,000 tons would have given, on the population of England in 1811, (Scotland and Ireland had then their own salt) above 35lbs. per head, and on that of 1821, one of 30lbs. per head, both of which far exceed the present estimated consumption when salt is about one-sixteenth part of the price it was when taxed, and far more extensively used in all the arts. It seems admitted, however, that there was considerable smuggling in England; but, this arose from a complex system of drawbacks, from the existence of different systems of excise, in different parts of the kingdom, and of a tax equal in amount to forty times the prime cost of the commodity. There is no reason to infer from this, that, in Bengal, where there will hardly exist any system of drawbacks at all, and where the duty, instead of being forty times the amount of the article, will not be above one-tenth part of that amount, the same extent of smuggling should take place.

The example of the French excise on salt appears to me deserving of the attention of the Committee in reference to the establishment of an excise in Bengal. The net revenue raised by it is more than double that at present raised by the Bengal monopoly, and this from a population by one-fourth part less numerous. It is also raised under circumstances of greater difficulty, because it is raised not only from a sea coast three times as extensive as that of Bengal, with many harbours and rivers exposed every where to the cheap salt of foreign countries, but also from brine-springs in the interior.

The Board of Customs seem to have the same apprehension of smuggling from Custom duties that they have from excise; and I confess I am a good deal surprised to find the opinion of so enlightened a public officer as Mr. Trevelyan quoted in favour of this motion. I think, however, that I can prove that Mr. Trevelyan is less quoted than misquoted. Mr. Trevelyan shows, I think satisfactorily enough, that two-thirds of all the salt consumed by the inhabitants of the western provinces of Bengal pay no duty; and he contrasts this with the quantity which pays or rather which *did* pay duty within the district subject to the monopoly; and which, for a population of nearly the same amount, was nearly three times as great. The real causes of the difference are transparent and, although overlooked by the Board of Customs, most satisfactorily explained by Mr. Trevelyan. The lower provinces of Bengal subject to the monopoly, Mr. Trevelyan shews to be peculiarly well adapted for fiscal objects. In three directions

they are sea, forest, or mountain girt; and on the fourth, they have a tolerably good river frontier, with a strong line of preventive service. There is, moreover, not one brine-spring or salt-lake within their limits. It is very much the reverse with the western provinces. Here, there is an exposed frontier of five hundred miles without river, mountain, or forest, and with most inadequate custom and preventive establishments. Along the whole of that ideal frontier the price of salt, according to Mr. Trevelyan's statement, is just one-third part of the tax imposed upon it when it crosses the imaginary line. A tax, under such circumstances so exorbitant, is neither more nor less than a wilful bounty held out to the smuggler; and it would be strange, indeed, if extensive smuggling did not take place.

In truth, as I have shown in my former statement, the revenue of the western provinces is by the imposition of almost prohibitory duties, sacrificed in order to protect the revenue derived in the eastern provinces from the monopoly. More is lost by the one operation than is gained by the other, and the result of this short-sighted policy is that the sum total of the revenue derived from salt throughout India, is comparatively trifling.

Notwithstanding the stout defence of the Monopoly, exhibited throughout the greater part of the Supplemental Paper, I am happy to discover, towards its close, that much of the essential errors of the Monopoly are surrendered. The plan of selling at fixed prices from the ware houses, long ago recommended by the Directors, and long systematically resisted by the Board, appears, at length, to be resolved on. The Salt (I suppose instead of being sold at periodical auctions), is to be sold for ready money, at fixed prices, and at all the golahs, in any quantity, not less than 100 maunds. The material objections to this system are, that the prices, in order to insure a stable revenue, must be fixed yearly, according to the cost of manufacturing the salt, and that, therefore, there cannot be in it that degree of stability which will encourage the merchant to import salt from a distance. If, however, the fixed price should be converted into a fixed duty, a simple and easy process, then the system which I have recommended, in my former paper, as a medium course and a temporary step in the progress towards a better system, will be, at once, in operation. The large importations, paying the duty of three rupees per maund, which have lately taken place from Bombay and other places, which the Board states to have already amounted to six thousand tons, and which it thought would not fall short of ten thousand, in the course of the year, would greatly contribute to facilitate the change towards an improved system. At three rupees per maund, ten thousand tons of salt would yield a revenue of £30,000, a much larger sum than was ever derived from the retail sales so much insisted on, and moreover, a promptly paid, entailing no charge of establishment, and consequently subject to no deduction;—in a word a

clear net revenue. A duty of three rupees a maund, however, is much too high, and as I have before pointed out, one that, on average of years, has never been realized with the monopoly. In fact, I find on calculation, that on the average of the 20 years of the last charter a prompt payment of 2½ rupees per maund would more than realize the net revenue which has been received.

The salt thus described, I presume to be salt of solar evaporation, imported either from Bombay or Ceylon. I have no doubt but it was all imported by European shipping as return cargoes for the cargoes of corn, sugar, and other articles exported from the Bengal. I presume also, that, unlike the salt of Madras, it paid no local tax before exportation, judging by the Calcutta sale prices, which was 50 rupees per 100 maunds, or £1 7s. per ton; a price which no doubt appears very low, but is still somewhat dearer than the corresponding article of St. Ubes salt at Sydney, as I have quoted it in the earlier part of this paper.

Some stress seems to be laid by the Board of Customs, I think rather idly, upon the low price which Liverpool salt fetches in the Calcutta market. In the meanwhile, it is to be observed that that price is the same as the price of two-thirds of all the Bengal boiled salt, or of all that is manufactured at Hedgelle and Tumlook. The Cheshire salt fetches in Calcutta, I find, a much higher price than the salt either of the Mediterranean, coast of France or of Bombay. In the consumption of all articles of his nature, every one knows there is much of habit and even of prejudice; while the purchaser is naturally diffident of any article of merchandise whatever that is new to the consumer and not of established credit in the market, whatever be its intrinsic value. For the boiled salt of Cuttack, the natives of Bengal will pay 14 per cent. more than for the pure muriate of soda imported from France; but the colonists of New South Wales will pay 60 per cent. more for the common boiled salt of Cheshire than they will for the salt of St. Ubes. The people of Bengal invariably prefer their own peculiar rice to that of any other country; but they are singular in that taste; for in every market in the world, except their own, it is of very inferior estimation and value. Something perhaps must also be allowed, among so poor a people as those of Bengal, for the commodity that is strongest, that is least mild, and, therefore, most economical in use; and the boiled impure salt procured by a hasty evaporation has, unquestionably, that superiority over a pure muriate of soda. The Board of Customs state that the people of Bengal prefer fish not altogether fresh: the same thing is stated of the West India negroes with respect to the herrings imported for their use; and I have been told that in some of the poorer parts of the south of Europe, oil somewhat rancid is preferred as food to that which is fresh and sweet. Habit and economy, probably, both contribute to the production of this false taste of appetite.—*Hurkaru, Jan. 4.*

J. CRAWFORD.











